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OF THE

## AMERICAN REVOLUTION :

CONSISTING OF

LETTERS AND PAPERS RELATING TO THE CONTEST FOR LIBERTY,  
CHIEFLY IN SOUTH CAROLINA, FROM ORIGINALS IN THE  
POSSESSION OF THE EDITOR, AND OTHER SOURCES.

1764-1776.

---

BY R. W. GIBBES, M.D.,

MEMBER OF THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE; OF THE NEW YORK  
HISTORICAL SOCIETY; OF THE GEORGIA HISTORICAL SOCIETY; OF THE PENNSYLVANIA HISTORICAL  
SOCIETY; OF THE NATIONAL INSTITUTE, WASHINGTON; OF THE ROYAL SOCIETY OF NORTHERN  
ANTIQUARIES OF COPENHAGEN; OF THE ACADEMY OF NATURAL SCIENCES, PHILADELPHIA; OF  
THE BOSTON SOCIETY OF NATURAL HISTORY; OF THE LYCEUM OF NATURAL HISTORY  
OF NEW YORK; OF THE NATIONAL ACADEMY OF DESIGN OF NEW YORK, &C., &C.

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TO  
SOUTH CAROLINA.

THE TRIBUTE OF A SON.

"Breathes there a man with soul so dead,  
Who never to himself hath said,  
This is my own, my native land!"



## PREFACE.

---

MY first volume of "DOCUMENTARY HISTORY" having been favorably received, I am induced to continue the publication. The present, is composed chiefly of original papers relating to the early period of the Revolution. Some of these have never before been published, others have been given in "Drayton's Memoirs," a work now out of print. As the originals will be deposited among the Archives of South Carolina, I have republished some which are to be found in Drayton's work, as necessary to the completeness of the narrative of the acts of the day. For the Drayton papers, I am indebted to the kindness of A. R. DRAYTON, Esq., the grandson of William Henry Drayton, whose patriotism, energy, and untiring exertions in the cause of liberty are abundantly set forth in the following pages. Serving in every capacity where active duty was required, he was truly one of the moving spirits of the Revolution. The letter of "Freeman," and the proceedings of the King's Council in relation to it are very interesting.

General Christopher Gadsden's few papers were kindly placed in my hands by General JAMES GADSDEN, and it is a matter of regret that we have so few memorials of that sturdy republican, who, of all the men of 1776 was one of the earliest and most unflinching advocates of the inalienable rights of his fellow-citizens to liberty and independence. A few valuable letters of his will be given in another volume.

The journal of the Rev. Mr. Tennent, kindly placed at my disposal by his grandson, Dr. E. S. TENNENT, of Charleston, completes the history of the expedition by Drayton and himself into the upper Districts of South Carolina to explain the Revolution.

I have been also favored by W. PERONNEAU FINLEY, Esq., President of the Charleston College, with two manuscript Orderly books of Marion, from which I have made a few selections, and of which others will be given. An Orderly book of Adjutant Charles Lining, loaned me by the

Rev. J. M. PRINGLE, has also furnished interesting particulars. This MS. volume comprises the same details as one of Marion's.

A few printed circulars, now very rare, have been reprinted as forming important links in the chain of events in this early history.

In publishing this collection of papers, which I have for twenty-five years been collecting, I do so with the hope of aiding in preserving materials for history, which may otherwise have been lost. They are given for their intrinsic value, and in the order of dates, without reference to special events. I trust they will be received, as they are offered, as a contribution to the history of that glorious Revolution of which every memorial is dear to South Carolina.

#### ERRATUM.

On p. 10, from MSS. of "Christopher Gadsden," read of "John Drayton."

On p. 274, 24th line, after the word "themselves," read "order."

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# DOCUMENTARY HISTORY.

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## THE FIRST REMONSTRANCE FROM SOUTH CAROLINA AGAINST THE STAMP ACT.

[MSS. of Christopher Gadsden.]

CHARLES TOWN, the 4th day of Sept., 1764.

*To Charles Garth, Esq., Agent of the Colony of South Carolina :*

SIR :—By the direction of the House, we transmit to you a copy of the report made by a Committee who were appointed to draw up a state of the paper currency in use in the province, which was agreed to by the House. And also a copy of the resolution thereupon, which recommended that you do use your utmost endeavors to procure for this province liberty to emit paper currency to the amount of £40,000 sterling, to be made a tender in law.

You will see by the report that the whole amount of legal currency of the province is only £106,500 currency, equal to about £15,214 sterling. That all the other moneys which have been from time to time issued were only temporary expedients, to serve pressing and emergent occasions, and have been, or will be, at the proper periods appointed by law, sunk and cancelled by a tax on the inhabitants, so that in a very short time the whole paper currency of the province, of all kinds and denominations, will consist only of the said sum of £106,500 currency. That something is absolutely necessary to answer the purpose of money, as a medium of trade, is a proposition that at this time of day needs not be insisted upon ; and it follows as naturally that the quantity of such medium should be proportioned to the occasions for it ; that the sum of £15,000 sterling is altogether insufficient and inadequate, must be apparent to every one the least acquainted with the trade and commerce of the province, the exports of which, (*communibus annis*,) for seven years last past, at the first cost of the several commodities, are of more value than sixteen times that sum ; for, on a moderate computation, the value of our exports exceeds £250,000 sterling per annum. Add to this, that our taxes—exclusive of what

is raised by duties and impositions on goods, wares and merchandise—do, in some years, more than double the whole amount of our legal currency. These two considerations adverted to will be sufficient, we apprehend, to demonstrate the necessity of an increase of paper currency; could we presume it will not be thought unreasonable still to indulge this province in the exercise of a discretionary power—which they have never yet abused—to issue and establish a paper currency, as a tender in law, not exceeding in the whole the value of £40,000 sterling, which, considering the increase of its inhabitants, trade and taxes, can scarcely be deemed equal now to what £15,000 was in the year 1731, when that sum was thought necessary.

The evils attending a wanton exercise of power, in some of the colonies, by issuing a redundancy of paper currency, has always been avoided by this province, by a proper attention to the dangerous consequences of such a practice, and the fatal influence it must have upon public credit. Our occasional issues, therefore, have been such as necessity alone has produced, and the faithful and punctual manner in which our bills of credit have been called in and cancelled, has preserved the value of them at an uniform and stated rate of exchange, equal with gold and silver coin.

We are clearly of opinion that the raising the value of gold and silver is very impracticable, and an attempt to do it will only serve to depreciate the value of our currency. We have particularly in charge from the House, to direct you to make all opposition you possibly can, in conjunction with the agent of the other colonies, in the laying a stamp duty, or any other tax by act of Parliament on the colonies.

The Committee thought your letter relative to this so alarming and important that they prayed the special direction of the House thereupon, and while it was under their consideration—as you will perceive by a transcript of their journal herewith sent you—and they had proceeded so far as to give us the above mentioned general charge, his honor the lieutenant-governor found it necessary to prorogue the assembly, so that the House had not an opportunity of furnishing us with reasons to be transmitted to you, but left it to the committee; and therefore we shall endeavor to supply such as we are able.

The first, and in our opinion the principal reason, against such a measure, is its inconsistency with that inherent right of every British subject, not to be taxed but by his own consent, or that of his representative. For, though we shall submit most dutifully at all times to acts of Parliament, yet, we think it incumbent on us humbly to remonstrate against such as appear oppressive, hoping that when that august

body come to consider this matter they will view it in a more favorable light, and not deprive us of our birthright, and thereby reduce us to the condition of vassals and tributaries. This privilege is due to us as British subjects, born under the same allegiance and form of government, and entitled to the inestimable rights of the same laws and customs, founded on the reason and common sense of mankind. For doubtless the representatives of the people of any province must best know in what manner supplies may be most conveniently raised by their respective constituents; and, by residing in this province, we are sure we become not less but more useful and beneficial to our mother country, where we do actually contribute all in our power to relieve her from the great load of debt she lies under; and we may, with the greatest truth, aver, that every commodity produced by the labor of the inhabitants of this province is paid ultimately to her for her manufactures, imported and sold here at the advanced prices that the British taxes oblige the makers and venders to set on them; so that any tax raised on our colony must only take so much from the merchant and tradesmen of Great Britain, as it places in the hands of the officers appointed to collect the same; or, perhaps, oblige the people here, through inability to purchase British goods, or looking upon themselves as cast off by their mother country, to employ their slaves in manufacturing their own wool, of which they have great plenty of little or no value at present.

We are annually subjected, by our own laws, to a considerable tax for the charges and support of government, which, even in favorable times, often amounts to more than our whole legal currency, and which, notwithstanding the care and prudent methods of the Legislature in imposing it, falls very heavily on the inhabitants, and is with difficulty paid, being at this time more, in proportion to the value of our estates, real and personal, than the land tax raised in Great Britain.

We are still farther burthened with a very heavy balance of debt, partly the effects of a long and expensive war with the Cherokee Indians, principally by the disgust given them in the Northern colonies, whither our zeal for his majesty's service alone prompted us to prevail with them to go, at the charge of this province, upon the pressing request of the Commander-in-Chief, and partly incurred by raising large sums of money, at the desire and upon the faith of his majesty's ministers, who positively promised that we—as well as the other provinces—should be reimbursed. Now, if that must be deemed a reimbursement, which all the Northern governments have received, and is now, with large interest, to be recovered from them again, in a manner very dispiriting

to a British subject, we hope we may for once think ourselves particularly lucky that we have so little to refund in this respect, having (as you know) only received our proportion of one (the first) grant from Parliament to the American Colonies; and not one farthing since (except the trifling sum mentioned in one of your last favors). Although it might be easily demonstrated that this province (considering the number of her inhabitants) did raise and keep in pay during the late war, as well for the general service of North America as for prosecuting the war with the Indians, a greater number of troops, and at a greater expense than any other government upon the continent, which, particularly in the expedition under Col. Grant, were equal in number to almost the fourth part of the men in the province able to bear arms. At present, our charge for troops to the crown is very trifling, only part of three companies of his majesty's forces being stationed in this province.

The laws of trade lay greater restrictions on this province than on many of her sister colonies. Almost all our commodities are enumerated, whereas few or none of theirs are so, notwithstanding ours are such as tend wholly to improve, and by no means to interfere with those of the mother country. Of course our exports must come to market under greater disadvantages; our trade, especially with regard to shipping, is much more cramped, and our imports much more confined, particularly that of salt—an article of the greater consequence, which most of the other colonies are prepared to import directly from Portugal, but we are not allowed that privilege.

Our situation is dangerous, and at the same time weak, being surrounded with several numerous nations of Indians. Nothing shows this plainer than the late frequent insults and murders committed by the Creeks, which the province has been obliged to put up with unresented, and our frontier settlers, we know, are not much to be depended on, as, upon any great alarm, most of them immediately fly to the neighboring provinces, that are better peopled, for safety. Now, as it is absolutely necessary for the preservation of a people, in such a situation that they may be suddenly attacked by savage enemies, that they should not be so exhausted and impoverished by taxes as to be disabled from raising the necessary extraordinary supplies on such critical occasions, as they have already experienced, and know not how soon they may again experience, but that some resources should be left them against such calamitous times. We, therefore, desire you to represent in the most humble manner the inability of this province to bear any other taxes or impositions than those already laid, or that may be necessarily laid on



them by their own laws, according to the exigencies of their affairs. But we would particularly avoid, if possible, the proposed tax on stamps, which we apprehend may be very prejudicial to many innocent people, who may err through ignorance, and more especially as it must greatly enhance the expense attending proceedings at law, which, to our back settlers, that live some at two hundred or three hundred miles' distance from Charles Town, must be very distressing indeed; besides, such additional and unexpected impositions on a people already overburthened with taxes and deeply in debt, who have so sickly a climate and such inclement seasons to struggle withal, as necessarily expose them to a much more expensive way of living than they would be liable to in a more healthy and temperate country, in order to keep up their spirits in any degree of fatigue, or even to preserve their lives, must tend to dispirit and ruin them, for how can it be expected they will be forward to exert themselves by raising money on every pressing occasion, when they cannot be sure but while they are doing so to the utmost of their power; that the Parliament may at the same time be laying still greater burthens upon them? What must many think best to be done in these circumstances and such complicated distress? What! but to leave such a precarious, unfortunate province; and, if necessity obliges them so to do, we are well assured they can scarce go any where else, where they will be so advantageous to Great Britain as they are here.

From these and many other considerations, we cannot be brought to think that a British Parliament, instead of alleviating, parent-like, the many hardships and difficulties peculiar to her sons settled in this hot and unhealthy climate, will endeavor still to augment them, and that to a degree so as to reduce us almost to despair, by carrying into execution so baneful an expedient as that proposed of laying any internal tax upon the provinces. However, if we should be so unhappy as to find ourselves mistaken, and if, as you give us to understand, no pleas of inability will indeed be heard, we herewith send you a copy of an act of Assembly lately passed in this province, intended to prohibit the importation of negroes for three years from the first of January, 1776. The reason for giving so long a day for its commencement is to take off any just cause of complaint from any persons who may be embarked in that trade, and who are or may be preparing to fit out vessels for that purpose, that they may have sufficient time given them to order their affairs so as to receive no prejudice. This law is thought so absolutely necessary to the safety and welfare of the province, as well to guard against the danger to be apprehended from too great a disproportion of

slaves to white inhabitants, as also to give the planters an opportunity of discharging their debts, that we hope no artifice or interested views will be employed to defeat the salutary intentions of it. We, therefore, desire that should any application be made, or endeavors used to procure a repeal of it, that you will oppose to the utmost of your power any such attempt.

We also send you a transcript of the journals of the House from the last date you had them to the time of our prorogation a few days ago. By them you will see how the public business has been obstructed; a tax bill and a revival bill rejected by the council, because the House would not allow of their innovations and alterations, by which means a number of very important and necessary laws have expired, and a long and tiresome sitting rendered fruitless; and the public creditors, who were intended to be amply provided for and compensated with interest for the time they have been kept out of their money entirely disappointed.

The experience we have had of your diligent and faithful attention to the several matters heretofore recommended to your care, and the particular satisfaction you have given during your whole agency, leaves us not the least room to doubt of the continuance of your best services to the province, whose interest you so well understand.

We are sorry you should so long continue involved in the general misfortune of the other public creditors, and that the provision which was made for your salary and disbursements in the tax bill should by the late rejection thereof prove to no purpose.

We are, sir, your most obedient servants,

RAWS. LOWNDES,  
ISAAC MAZYCK,  
CHRIST. GADSDEN,  
DAVID OLIPHANT,  
THOS. LYNCH,  
THOS. WRIGHT,  
JAS. PARSONS,  
THOS. BEE,  
CHAS. PINCKNEY,  
J. RUTLEDGE,  
EBEN SIMMONS.



[MSS. of Christopher Gadsden.]

CHARLES TOWN, So. Carolina, Dec. 2nd, 1765.

*To Charles Garth, Agent of the Colony :*

DEAR SIR :—As I am persuaded it will give you pleasure to hear what our Assembly has done in the common cause, in order to promote the important matters agreed upon at the Congress, I will make no further apology for giving you an account thereof.

As Mr. Lynch, Rutledge and myself were informed at New York that our Assembly were to meet the 28th October, we thought it absolutely necessary that one of us should set off as speedily as possible, after the breaking up of the Congress, in order to catch our House before their adjournment. This fell to my lot, and accordingly I left York with the papers, two days after, in a very small schooner, crowded with passengers, full of these hopes; but, unfortunately, through the over-timorousness of the master, who stretched too far to the eastward, I did not get here till the 13th last month, and in less than forty-eight hours after, had the pleasure of seeing my worthy colleagues, Mr. Lynch and Mr. Rutledge, in a short passage by the way of Philadelphia. We found the Assembly (not expecting us so soon) had adjourned to the 25th of last month. As soon as we arrived and could get copies of the Minutes of the Congress made out, we dispatched them as we were desired to Georgia and North Carolina. The 26th, a House was made, and passed the inclosed report, together with the Minutes of the Congress, their Declarations of opinion and the engrossed Addresses to the King, Lords and Commons, then laid before them. The Declarations and the Addresses were accordingly read that morning, and then the House adjourned to 4 o'clock, P. M., of the same day, when the whole was agreed to unanimously (excepting by one member) *totidem verbis*, and the Addresses ordered to be signed by the Speaker; and, as a fine ship, the only one then in harbor that had cleared before the first of November for any part of Great Britain, was ready and obliged to sail the next morning, being a spring ship, the Commissioner of Correspondence was immediately ordered to write a letter to the Agent and enclose them, which was done, and the vessel, the Charming Charlotte, Capt. Reeves, luckily had an opportunity of getting over the bar the next morning with a very fine wind. The next day the House did us the honor to give us their thanks by the Speaker signifying their approbation of our whole conduct in the most ample and obliging manner.

A Committee was afterwards appointed to draw up such particular Resolutions on the present occasion as were thought necessary for the

House to enter into, which accordingly they did, and reported, and to which, after making a very few alterations, the House agreed, and ordered to be published—inclosed is one of these publications. As soon as this business was completed the House adjourned till after Christmas, (to the 7th January,) having just ordered the Commissioner of Correspondence to write more fully to the Agent upon these important matters by a packet that will sail in about ten or twelve days. The short letter that has been already sent to the Agent you have herewith a copy of, as also of another wrote by Mr. Lynch, Mr. Rutledge, and myself from New York the day after the Congress, and put into Capt. Davis' bag the morning I sailed. Our people have behaved as firmly in the common cause as any upon the Continent, without having done the least mischief, and I make little doubt of their continuing so to do, though we have a number of cunning, jacobitical, Butean rascals to encounter, that leave nothing untried to counterwork the firmness and loyalty of the true sons of liberty among us; these are such infernal fiends as none of the sister colonies north of us have to dread, but with all their cunning (though that is generally accounted a more formidable enemy than mere force), I hope, and indeed don't doubt but the wretched miscreants will find themselves disappointed, and their American posterity, as well as ourselves by our uniform spirit of firmness, made happy in the preservation of their and our just rights and privileges, whether they will or no. The friends of liberty here are all as sensible as our brethren to the northward, that nothing will save us but acting together. That province that endeavors to act separately will certainly gain nothing by it; she must fall with the rest, and not only so, but be deservedly branded besides with everlasting infamy.

For my part, I have ever been of opinion, that we should all endeavor to stand upon the broad and common ground of those natural and inherent rights that we all feel and know, as men and as descendants of Englishmen, we have a right to, and have always thought this bottom amply sufficient for our future importance. I wish that the charters, (we have one as most) being different in different colonies, may not be the political trap that will ensnare us at last by drawing different colonies upon that account to act differently in this great and common cause, and whenever that is the case, all will be over with the whole. There ought to be no New England men, no New Yorker, &c., known on the Continent, but all of us Americans; a *confirmation* of our essential and common rights as Englishmen may be pleaded from the Charters safely enough, but any farther dependence on them may be fatal. I am the more rivetted into this opinion from all ministerial

writers that I have seen, *fas est et ab hoste doceri*, and from none more than the famous author of the regulations lately made concerning the colonies, published the present year with great eclat, pages 17 and 18, also page 22 where he informs us of the reasons why the new provinces are not yet permitted to have Assemblies, which are easily seen through. 'Tis pity that every Assembly in each province should not have a constant eye upon the attacks that may be made upon the essential part of the British Constitution in any, and the agents of the whole ordered to assist upon such occasions, for any single province being once deprived of a material right, 'tis presently made a precedent for the rest. The late attacks on different parts of the Constitution in different places are very alarming and have the appearance of design; in New York on one point, in our province on another, in Jamaica on a third, in Maryland on several, and the striding encroachments of the Council almost every where, except in your happy province in this respect, &c., &c, this by the by — I still wish what Mr. Lynch and I were so earnestly for at the Congress, that we had stopt at the Declarations and Petition to the King, as the House of Commons refused to the of the Colonies, when the matter was pending in Parliament, as we neither hold our rights from them or the Lords. His Majesty is, in the petition, desired to lay the matter before the Parliament. However, as the Congress thought otherwise, and union is most certainly all in all, the Memorial to the Lords and Petition to the Commons were supported by us here equally with as much zeal as if we had voted for them at the Congress, and God send the desired success and establish harmony once more between us and our mother country. But had we consented to the addition that was so strenuously proposed to be made to the first Declaration of the Opinion of the Congress, I am sure we should have been far, very far from having the thanks of our House. The attachment the eastern gentlemen seemed to have to it, I imputed to their Charters, but I must own I was unable to account how any other gentlemen could be so particularly fond of it. I wish these Charters may not be the bane of us at last, as it seems to be the common fetch of the P—t, and ministerial writers at present that the King could not grant us those exemptions that are claimed under them.

CHRIST'R. GADSDEN.

A LIST OF THOSE PERSONS WHO FIRST MET AT LIBERTY TREE, IN CHARLESTON, IN THE FALL OF THE YEAR 1766, AFTER THE REPEAL OF THE STAMP ACT OF THE PARLIAMENT OF ENGLAND, AGAINST THE AMERICAN COLONIES, AS EXTRACTED FROM THE ORIGINAL LIST IN THE HANDS OF BENJAMIN ELLIOTT, ESQ., REGISTER IN EQUITY, WHICH LIST IS SIGNED BY GEORGE FLAGG, THE ONLY SURVIVOR OF THE PARTY.

[MSS. of Christopher Gadsden.]

1. Christopher Gadsden, Merchant, then 42 years old.
2. William Johnson, Blacksmith.
3. Joseph Veree, Carpenter.
4. John Fullerton, Carpenter.
5. James Brown, Carpenter.
6. Nath'l. Libby, Ship Carpenter.
7. George Flagg, Painter and Glazier.
8. Thos. Coleman, Upholsterer.
9. John Hall, Coachmaker.
10. Wm. Field, Carver.
11. Robert Jones, Sadler.
12. John Loughton, Coachmaker.
13. W. Rodgers, Wheelwright.
14. John Calvert, Clerk in some office.
15. H. Y. Bookless, Wheelwright.
16. J. Barlow, Sadler.
17. Tunis Teabout, Blacksmith.
18. Peter Munclean, Clerk.
19. Wm. Trusler, Butcher.
20. Robert Howard, Carpenter.
21. Alex. Alexander, Schoolmaster.
22. Ed. Weyman, Clerk of St. Philip's Church, and glass grinder.
23. Thos. Swarle, Painter.
24. Wm. Laughton, Tailor.
25. Daniel Cannon, Carpenter.
26. Benjamin Hawes, Painter.

On this occasion the above persons invited Mr. Gadsden to join them, and to meet at an oak tree just beyond Gadsden's Green, over the Creek at Hampstead, to a collation prepared at their joint expense for the occasion. Here they talked over the mischiefs which the Stamp Act would have induced, and congratulated each other on its repeal. On

this occasion Mr. Gadsden delivered to them an address, stating their rights, and encouraging them to defend them against all foreign taxation. Upon which joining hands around the tree, they associated themselves as defenders and supporters of American Liberty, and from that time the oak was called Liberty Tree—and public meetings were occasionally holden there.

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A LETTER FROM "FREEMAN"\* OF SOUTH CAROLINA TO THE DEPUTIES OF NORTH AMERICA, ASSEMBLED IN THE HIGH COURT OF CONGRESS AT PHILADELPHIA.

*To the Deputies of North America in General Congress :*

GENTLEMEN,—When the people of England, in the early part of the last century were oppressed by illegal taxes, violation of property, billeting soldiers and martial law, there was reason to apprehend some insurrection, from the discontents which prevailed. They believed their liberties were on the point of being ravished from them, and Charles the First, found himself under an absolute necessity to summon a Parliament, to meet early in the year 1628. On the first day of their meeting, to deliberate upon a subject of no less importance than to reinstate a good correspondence between the Crown and People—and before the Commons had entered into any debates—an anonymous letter to them, touching the inconveniences and grievances of the State, was communicated to the Members, and it was called a speech without doors.

Upon subjects of grievance similar with, yet infinitely more serious than those of that period—now, at a time threatening, not insurrection from discontent, but a civil war from despair—and by the same mode of address as was used to that House of Commons, I thus have the honor, publicly, to make known my sentiments to the Deputies of North America—deputies elected to meet in General Congress, to deliberate upon a subject, of at least as high import to the British crown and people of America, as that Parliament had to discuss, relative to the Crown

\* Doctor Ramsay, in his second volume of his History of South Carolina, page 455, in the life which he has written of William Henry Drayton, says, "In the year 1774 he wrote a pamphlet under the signature of 'Freeman,' which was addressed to the American Congress. In this he stated the grievances of America, and drew up a Bill of *American Rights*. This was well received. It substantially chalked out the line of conduct adopted by Congress then in session."



and people of England. I here religiously wish, that the claims of this Congress may be as favorably admitted as were the claims of that Parliament—and that the similitude between the two periods may then finally end. For we know the subsequent years of Charles' administration *increased* the public discontents to that degree that at length the people in their might arose and took up arms against the sovereign!

Hitherto characterized by my countrymen as most zealous for the prerogative in opposition to the liberty of the subject, I am conscious my principle of conduct has been misunderstood. As far as my small abilities enabled me as an independent and honest middle branch of Legislature ought to act, so, in private and in public stations have I endeavored at one time to oppose the exuberances of popular liberty, and at another, the stretches of the government party, when I thought either advanced beyond the constitutional line of propriety. In short, I wish to form a political character, by the picture *Junius* gave of a virtuous Duke of Bedford: "Willing to support the just measures of government, but determined to observe the conduct of the Minister with suspicion, he would oppose the violence of faction with as much firmness, as the encroachments of prerogative." And before *Junius* was known, I had established it as a first principle, not to proceed any farther with any party, than I thought they travelled in the *Constitutional highway*.

Hitherto I have opposed the local popular policy of this colony. I thought the principles of action were unconstitutional—I am of the same opinion—I may be wrong, my judgment is my guide. But now! the *tragedy of five acts*, composed in the last session of Parliament, in my opinion, violates all the rules of the political drama, and incapacitates me from saying one word in favor of administration. Nay, the same spirit of indignation which animated me to condemn popular measures in the year 1769, because although avowedly in defence of liberty, they absolutely violated the freedom of society, by demanding men, under pain of being stigmatized, and of sustaining detriment in property, to accede to resolutions, which, however well meant, could not, *from the apparent constraint they held out*, but be grating, very grating to a freeman, so, the *same spirit* of indignation, yet incapable of bending to measures violating liberty, actuates me in like manner, *now to assert my freedom against the malignant nature of the late five Acts of Parliament*. As then, a certainty of sustaining a heavy loss of property, and of acquiring a heavy load of public odium, did not intimidate me from persevering in a conduct I thought right; so, now that the liberty and property of the American is at the pleasure of a despotic power, an idea of *a risk of life itself* in defence of my hereditary rights, cannot appal

me, or make me shrink from my purpose, when perhaps those rights, can be maintained only by a temporary suspension of the rules of constitutional proceedings. Tenacious and jealous of my liberty, I do not change my ground, because I in turn face opposite quarters making the attack. Thus, from one and the same centre of action and principle of conduct, I opposed succeeding violations of my rights, then, by a temporary democracy, now, by an established monarchy. If I did not act thus confidently, it might well be asked, why did I with so much spirit oppose my countrymen in the year 1769, and remained silent now, that injuries of a much more alarming nature, are threatened from another quarter? I consider myself thus fully obliged to anticipate, any uncandid and unworthy reflections, that might possibly be made of my being fickle and unsteady, or influenced by disgust,\* as I have written against popular measures, and now write against those of Administration. Each of the five late acts of Parliament relating to America, increased my alarms in a progressive degree—they all run counter to my ideas of the constitutional power of Parliament. Either they are utterly illegal, as

\* The full intention of Parliament respecting America became known here by the arrival of the Acts at the same time when accounts were received that Administration had nominated an Assistant Judge, regularly bred to the Bar, in the room of Mr. Justice Murray, deceased, and a change of conduct taking place in the author at this crisis, some imputed it to disgust rather than to principle. The author was aware of such a construction, but he was incapable of being intimidated from a system he thought right. The following extract will show, that the late appointment from home was expected, and therefore could have no influence upon his present conduct.

“On Tuesday last a Commission passed the Great Seal of this province, appointing the Honorable William Henry Drayton, Esquire, to the office of Assistant Judge, in the room of John Murray, Esquire, deceased. We hear that when his honor the Lieutenant-Governor, and his Majesty’s Council were in deliberation to nominate a gentleman of proper rank and character to the office of Assistant Judge, it was allowed that no such person at the bar would, for such a consideration, be induced to quit his practice, and that as no other person of rank and character would choose to run the risk of being superseded by the appointment of a Barrister from England; so it would be highly indelicate to offer the post to any such. The case seemed difficult, yet of necessity a Judge must be appointed. After some time spent in agitating this subject, Mr. Drayton offered his service in that station, until a Barrister should be appointed by the King; which public spirited behavior was very readily and unanimously approved by the Lieutenant-Governor and Council.”—*General Gazette*, No. 301. January 28, 1774.

When Mr. D. was pro tempore appointed Post Master General, in the year 1771, and made application at home to be confirmed, Lords Sandwich and Hillsborough did him the honor to acquaint him, that they personally applied on his behalf to Lord Lo Despencer, one of the Post Masters General, who acquainted them, the office had been for some time previously engaged. Mr. D. was not disgusted here, although he made application—in the present case he has never made the least solicitation, and engaged in the station exactly in the manner related in the Gazette.

the Acts of a whole session,\* of the second Richard, and two Acts,† in particular, of Henry the eighth, were deemed to be, and therefore done away by subsequent Parliaments, or, I am utterly ignorant of the nature of the English constitution of Parliament. Let this alternative be as it may, every man has feelings, and must act by them.

The question now, is not whether Great Britain has a right to Tax America against her consent, but whether she has a constitutional right to exercise despotism over America! What can be more despotic in any government, than, in one colony‡ to revoke charter rights—to alter the law—to annihilate an essential branch of the Legislature in favor of the people, and in its room to place an establishment existing but at the will of the Sovereign! In another§ in effect to annihilate the ancient code of law, as well of the vanquished as of the conquerors, subjecting the existence of the common law, to the pleasure of the Crown; to declare the people, English people! shall not have representation, and to empower the Governor and Council to make laws for them. What is this, but to enable the Crown, by an instruction, to give law to the people! What is this, but the same power that Henry the Eighth, had by a proclamation, to give law to the people of England! And what greater power has the Sovereign at Constantinople, over a province in the East, than the Sovereign at London now has over a province in the west! At a stroke to annihilate the right of representation, and the common law from among English subjects, nay, English people!—to empower Bashaws, in their little Divans, to promulgate such laws to people of English blood, as, from time to time, under the form of instructions, shall be penned by the English Reis Effendi! Such powers cannot legally exist in Britain. Than, that such powers should be exercised over us, it will be better, O! Americans! that we should not be. The highest despotism is now exercised over Quebec, and remember! it is true to a proverb, *multis miniatur, uni qui injuriam facit*.

But, affairs may yet be well, notwithstanding the gloomy face of our political atmosphere. Our ancestors of England, were often obliged to claim their rights, when they were in danger of losing them. Let us follow so successful an example. On such a subject, let the Americans address the throne with all due respect to majesty, and at the same

\* Anno XI.

† 23 Henry 3. To enable Kings by their letters Patent to repeal laws during their minority. 31 Henry. To give the King's proclamations the force of an Act of Parliament.

‡ Massachusetts Bay.

§ Quebec.



time with attention to their own dignity as freemen. The style of the Lord Keeper to Charles the First, on a similar occasion, is a case in point.

“May it please your most excellent Majesty” your people of America by their Deputies assembled in General Congress, “taking into consideration that, the good intelligence between your Majesty and your people” of America, “doth much depend upon your Majesty’s answer upon their” claim “of rights, with unanimous consent, do now become most humble suitors unto your Majesty, that you may be pleased to give a clear and satisfactory answer”\* to

### THE AMERICAN CLAIM OF RIGHTS.

That whereas, discontents, jealousies, and alarms have unhappily pervaded, overspread and distressed the British subjects, settled on the Continent of North America, to the great endangering the public peace,

1. By Acts of the British Parliament, taxing those American freeholders, although they have not any representation, of their own election, in Parliament.

2. By the constitution of Council established among them by the Royal Mandamus. Seeing they act as a second branch of the Legislature, entirely dependent upon the pleasure even of the Governor—that placemen, dependent upon the Crown, being strangers, ignorant of the interests and laws of the colonies, are sent from England to fill seats in Council, where they often form a majority; as Legislators, determining the most weighty affairs of the colony, and as Chancellors, decreeing in suits relating to the most valuable property of the subject.

3. By there not being any constitutional Courts of Ordinary and of Chancery in America, and by appeals being under the jurisdiction of the King and Privy Council, as the dernier resort.

4. By the Judges holding their seats at the will of the Crown, a tenure dangerous to the liberty and property of the subject, and therefore justly abolished in England.

5. By Judges now-a-days granting to the Customs to lie dormant in their possession, writs of assistance in the nature of general warrants, by which, without any crime charged and without any suspicion, a petty officer has power to cause the doors and locks of any man to be broke open, to enter his most private cabinet, and thence to take and carry away, whatever he shall in his pleasure deem uncustomed goods.

6. By the oppressive powers vested in the Courts of Admiralty.

\* 8 Parliamentary History, 202.

7. By the British Parliament claiming and exercising a power to bind the Colonies in all cases whatsoever. To suspend the Legislature of New York; to divest the Americans of the value of their lawful property at pleasure, and even without any form of trial; to annul and make void lawful contracts in trade; to oblige Judges to take bail in cases of murder; to enable persons charged with murder in Massachusetts Bay to fly the colony; to annihilate an ancient\* branch of the Legislature in favor of the people, and in its room to constitute one entirely dependent upon the pleasure of the Crown; to deprive subjects of English blood of the right of representation in the colony of Quebec; and to enable the Governor and Council there to make laws for them, thereby in effect leaving it in the power of the Crown, whether or not, or in what degree, such subjects shall enjoy the benefit of Magna Charta and the Common Law, under a Crown, which is itself limited and controlled by Magna Charta and the Common law! And for the purpose of repeating and continuing, all their grievances and heavy oppressions herein specified—to establish the Romish religion in a very considerable part of the British Empire; and to quarter soldiers in America, against the consent of the freeholders. All which are illegal, and directly contrary to the franchises of America.

And therefore, the Americans represented by their Deputies aforesaid, taking into their most serious consideration, the best means to avert the calamities of Civil war—to restore public tranquillity—and to preserve without dispute, the supremacy of the Crown and British Dominion over America: “Do in the first place, as their ancestors in like case have usually done, for the vindicating and asserting their ancient rights and liberties, declare:”†

1. That the Americans being descended from the same ancestors with the people of England, and owing fealty to the same Crown, are therefore equally with them, entitled to the common law of England formed by their common ancestors; and to all and singular the benefits, rights, liberties and claims specified in Magna Charta,‡ in the petition of Rights,§ in the Bill of Rights,|| and in the Act of Settlement.¶ They being no more than principally declaratory of the grounds of the fundamental laws of England.\*\* Therefore,

\* About 200 years.

† Bill of Rights, W. & M.

‡ 9 Henry 3.

§ 3 Car. 1.

|| William and Mary.

¶ 12 and 13 William 3.

\*\* 2 Inst. Proem.

2. That the British Parliament ought not to have, and cannot of right possess any power to Tax,\* or in any shape to bind American freeholders of the British Crown, seeing it is against the franchises of the land, because their consent is not signified in Parliament, by a representation of their own election.\*

3. That the Constitution of the present Councils in America, by Mandamus, be utterly abolished, as being injurious to the subject, and destructive of a free constitution of government. That of right, there ought to be an independent and permanent middle branch of Legislature, between the Crown and people, and, that as it ought of right to arise by the Royal creation, so, the members of it, ought of right, to be called out of American families; that the majority of the Council of State to the Governor, ought of right to consist of men connected with the colony, by birth or fortune, and that the Governor, or Council of State, cannot of right possess any judicial power whatsoever.

4. That of right there ought to be in each colony, constitutional Courts of Ordinary and of Chancery; that for the case of the subject, at such a vast distance as he is from England, appeals from the American Courts of Chancery, ought to be made to the Upper House of Assembly of each colony respectively, and from thence to the House of Lords in Great Britain—the only constitutional dernier resort for justice in the Empire.

5. That equally as the people of England are interested in the independence of their Judges, so are we interested in the independence of our Judges; and upon principles of common and impartial justice, claim that their commissions should run, *quam diu se bene gesserint*.

6. That no writs of assistance ought to be issued to the Customs, but in the nature of writs or warrants to search for goods stolen—general writs or warrants being illegal.

7. That the powers of the American Courts of Admiralty, unnecessarily and oppressively trenching upon the property and liberty of the subject, therefore they ought to be modelled more agreeable to the genuine principle of the common law.

8. That the King's prerogative ought not, and cannot of right, be more extensive in America, than it is by law limited in England.

9. That the Americans, are of natural right entitled to all and singular, those inherent, though latent, powers of society, necessary for the safety, preservation, and defence of their just claims, rights and liberties

\* 7 Parliamentary History 371.—Year Books, 20 H. 6 : 3.—2 R. 3 : 12.—25 Car. 2 : c. 9.

herein specified, which no contract, no constitution, no time, no climate can destroy or diminish.\*

“And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.”†

To which demand of their rights, they are particularly encouraged by a reliance on the virtues of their sovereign Lord George; convinced that this their demand, is the most peaceable means they have to obtain a full redress and remedy therein, on which the good intelligence, between his most sacred majesty and his oppressed people of America, doth much depend.

Having, therefore, an entire confidence that the Crown of Great Britain will preserve them from the violation of their rights, which they have here asserted—and from all other attempts upon their rights and liberties—the said people of America by their deputies aforesaid, do resolve:‡

1. That they do of right owe, and will loyally maintain to the Crown of Great Britain, like faith and allegiance as the people of England, from whose ancestors they are descended.

2. That the Americans will grant general aid to the British Crown, upon the same principles of requisition and grant, that aids are constitutionally required of and granted in the Parliament of Great Britain.

3. That all general aide from America to the Crown, and laws binding the whole continent of North America, shall from time to time, according to Parliamentary proceedings, be granted, enacted, and received in a High Court of Assembly of North America, convened by the King's writs to the two Houses of Assembly of each colony respectively, to choose an equal number of persons in each House, as their and each of their Representatives in the high Court of Assembly.

4. That the Act of the high court of Assembly, having specified to the colonies their respective proportions and quotas of an American general aid, the said quotas shall be raised in the respective colonies, by their respective Legislatures, and paid within a limited time to be expressed, and under certain penalties to be specified in the Act of general aid.

\* 1 Blackstone, 245.

† Bill of Rights, 1. W. & M.

‡ Ibid.

5. That the high court of assembly, shall not however, be deemed or construed to possess any right or power, but of a general nature—as, that all penalties and Acts of Legislation to be enacted in it, shall in the same degree, bind all and each of the colonies. Each colony regulating her internal policy as heretofore, by her own internal legislature.

Such seem to be the grievances and claims of America, and the form of Legislature laid down in the Resolves, seems to be drawn up upon constitutional principles of English legislation. Some such system of government seems absolutely necessary. And, without a system of a general nature, the colonies acting independently of each other, they will scarce agree upon their proportionable quotas of a general aid to the Crown. Each will plead her own inability, and magnify the wealth of her neighbor. But this policy could not be adopted with the least success in a high court of assembly, where each member would be well acquainted with the real state and ability of each colony. Indeed, this would be an absolutely necessary study, lest by the ignorance or laches of any member, his colony, and consequently his estate, should bear a greater proportion of the aid, than otherwise would be rated. And if the whole continent should be thought too extensive under one Legislature, that impropriety could be easily remedied, by dividing the whole into two Districts as nearly equal as may be—a division naturally pointed out by every principle of true policy.

Without doubt it may be said, nothing is easier than to draw up a catalogue of assertions, and to term one part grievances, and the other part rights. I admit the propriety of such an observation, and therefore I will attempt to shew that the present state of American grievances are too well founded in fact, and her claims too just to be speciously contradicted.

The subject of the American taxation has been treated of in so great a variety of manner, within these late years, that scarce anything new is now left to be said on a point of so great importance. However, passing over the general arguments which have been so lately formed, I will step back one hundred years, and with a late great Commoner, I will consider the subject, illuminated by the ideas of the illustrious dead. Ideas so far of importance that they are of the highest authority, being no less than those of a high court of Parliament.

The Preamble to the Act\* allowing to the county of Durham an actual representation in Parliament, gives the ideas of the Legislature, on the subjects of taxation and actual representation, in the clearest

\* 25 Car. 2.



terms. "Whereas the inhabitants of the County Palatine of Durham, have not hitherto had the liberty and privilege of electing and sending any Knights and Burgesses to the High Court of Parliament, although the inhabitants of the said County Palatine are liable to all payments, rates, and subsidies granted by Parliament, equally with the inhabitants of other counties, cities and boroughs in this Kingdom, and are therefore concerned equally with others, the inhabitants of this Kingdom, to have Knights and Burgesses in the said High Court of Parliament of their own election," &c. Hence, it is clear, there cannot be a constitutional taxation, without an actual representation; or, why an actual representation now allowed to the county of Durham? This happened in the year 1672, and to all intents and purposes, must be considered as an adjudged case on the point. Wherefore, then, has the case been over-ruled in our day, and America taxed without representation in Parliament? I am answered, America is virtually represented. But was not Durham as virtually represented? Is there any other difference than that the fiction of virtual representation is much easier comprehended with respect to Durham than America? However, that species of representation was not thought to be a constitutional warrant to tax a small county, not equal to one-half part of one of the smallest of our colonies; but now, after a century, it is thought to be a species of representation suitable to the meridian of America!

The original establishment of councils in the royal governments on this continent consisted principally, and in a manner, to all intents and purposes, of men of property established in the colony. Such a council could not but be well acquainted with the interests of the country, and be no less ready and zealous to promote them, at the hazard of their seats. Such men stood in no awe of a minister, yet they rendered the most essential services to the crown, as well as to the people. But now, the system of appointment is reversed; we see in council more strangers from England than men of rank in the colony—counsellors, because they are sent over to fill offices of £200 or £300 per annum, as their only subsistence in life. Thus, strangers, not to be supposed very solicitous about the prosperity of the colony, in which they have no interest but their commissions, are, as legislators, to determine upon the *res ardua* of the State; and, ignorant of our law, and too often unexpectedly so of the English law, they are, as Chancellors, to decree in cases of the most important value to the colonist. Unfortunate colonist! by the minister abroad, thus are you delivered over, a sacrifice at home, to the ignorance and necessities of a stranger, by the hand of power imposed upon you as a judge.

The unconstitutional formation of the Courts of Ordinary and of Chancery in America, and the jurisdiction of the King and Privy Council over appeals from this continent, I shall wave, with intention to take up those subjects in a subsequent part of this letter; and, as the dependence of the judges upon the crown for their daily subsistence seems to have been the cause of general writs of assistance having been issued, I shall class those subjects together, and likewise the opposite conduct of two sets of judges, learned in the laws—the one, men of property—the other, men without the visible shadow of independence—hence the only apparent motive for a contrariety of conduct on the same question. A few years ago, the bench of justice in this colony was filled with men of property; and, if all of them were not learned in the law, there were some among them who taught their brethren to administer justice with public approbation; and one\* of them in particular, had so well digested his reading, although he had never eat commons at the Temple, that he was, without dispute, at least equal to the law learning of the present bench. To this independent and well-informed Bench of Judges, the Attorney General, *ex-officio*, on the part of the customs, from time to time, during several years, made application to obtain writs of assistance—of a more pernicious nature than general warrants. The demand, even under the direction of an act of Parliament, was constantly refused. The judges knew it trenched too severely and unnecessarily upon the safety of the subject, secured by Magna Charta, who the great Sir Edward Coke declared, “is such a fellow that he will have no sovereign.”† Hence, the judges knew the statute could not legally operate, and, therefore, that it was absolutely void in law. At length one of them, privately, and with such sound reasoning, delivered his sentiments on the subject to the Attorney General, that he replied, he was not desirous to enter into the merits of the application, and, therefore, should forbear making any others upon the subject; and thus were the houses, the castles of English subjects, preserved inviolate, when the bench was filled by men of independence, as well as of knowledge. But, no sooner was the bench filled by men who depended upon the smiles of the crown for their daily bread, than the Attorney General, *ex-officio*, returned to the attack, and carried the point even by a *coup d’essai*. There was no investigation of the merits—the general writ, or rather the general warrant for breaking open doors, at the pleasure of a petty officer, was

\* Rawlins Lowndes, Esq.

† 3 Parl. Hist., 119.

granted, as a matter of course, and without any hesitation. The contrast and the causes are striking, and need no comments. Equally unnecessary is it for me to say anything to shew the oppression to which the subject is exposed in being dragged into the Admiralty Courts in America.

And such are the grievances under which the Americans have long labored. We expected nothing in addition but to be drained of our gold and silver by taxes, against our consent, and to be over-run by troops of hungry placemen. But, how short-sighted is man. The old grievances of America were no more than harbingers of a more formidable band of oppressive measures. A very few months ago we should have thought a man mad, who, under the spirit of prophecy, should have presented America with a view of only a part of the seventh paragraph of grievances. But, not allowing myself now to be detained in my advance by any reflections upon the Americans being divested of the value of their property; the annulling lawful contracts in trade; the obliging judges to take bail in cases of murder; the enabling persons charged with murder in Massachusetts Bay to fly the colony; I hold on my way, to fly at objects of more importance—of greater grievance—the increase for royal power by annihilation of popular rights in Massachusetts Bay—a despotism over English people, by act of Parliament, established in Quebec.

To consider these objects with propriety, it is necessary to take the subject up *ab origine*; and, in that point of view to examine the King's legal power in Massachusetts Bay and in Quebec, when the crown first acquired civil dominion in those countries. It may be said, that as Quebec is a country obtained by arms, and the colony of Massachusetts Bay was founded without violence, therefore, there is a wide distinction between them, and the King may legally form laws to bind the conquered and his natural subjects settled among them, although he cannot exercise such a power over the colony founded without violence. But, in truth, the English law considers the colony of Massachusetts Bay and the province of Quebec by one and the same principle, and the late conduct of Parliament has confirmed this doctrine, by giving to the King an absolute power in the one, and as great an increase in the other, as he now chose to exercise; and, if in States exactly similar in the eye of the law the crown can legally acquire and exercise over the one a despotic power totally different from, and forever heterogeneous to the genius of the natural and true powers of the English crown, what fiction of argument shall prevent the same power being exercised over the other, and, in short, over all the colonies in



America; since the law considers them all but in one and the same light.

It is laid down that, "in conquered or ceded countries that have already laws of their own, the King may indeed alter and change those laws; but until he does actually change them, the ancient laws of the country remain, unless such as are against the law of God, as in the case of an Infidel country\*." And that "our American plantations are principally of this sort, being obtained either by right of conquest, driving out the natives, or by treaties."† What reading can be even desired more in point to shew that Quebec, Massachusetts Bay, Virginia and Carolina are exactly in one and the same situation? Which of the British colonies in America is it that the crown has not "obtained, either by right of conquest, driving out the natives, or by treaties" with them, or by conquest of, or by treaties with the French and Spaniards, who had first acquired the territory, in like manner, from the natives? Admitting that the crown may alter the ancient laws of the conquered, yet I cannot be of opinion that in those conquered or ceded States the crown can legally acquire a power over subjects of English blood, destructive of those rights which are peculiar to the blood—rights evidenced by Magna Charta, and defended by the fundamental laws of England. Rights, evidence, and laws which the prerogative of the crown cannot overthrow, nor the Parliament change to the prejudice of the people interested in their preservation. The Parliament have no such power delegated to them. They cannot legally form any laws heterogeneous to the purposes of their own creation and existence. As the sap peculiar to a tree must necessarily and invariably produce similar effect in a plant of the same species, as far as the infancy of the latter will admit, being at the same time incapable of producing in it any appearance heterogeneous to the parent tree; so the American plant, being animated with the same species of sap with the English tree, the plant, however connected with the parent tree, cannot naturally produce any heterogeneous appearance. Thus, even allowing the constitutional power of Parliament to pervade the English States in America, it can naturally produce those effects only of which the colonies are capable, and cannot legally produce in their legislatures any appearance heterogeneous to its own nature and capability of action. Thus, it has not any legal or natural power to make the British crown absolute in Quebec, because it cannot make the crown absolute in Great Britain;

\* 7 Rep., 17 Calvin's case. Show. Parl. C. 31.

† 1 Blackstone, 107.

neither can Parliament vest in the crown more power in the legislature of Massachusetts Bay than it is capable of exercising in the Imperial Legislature. The genius of the English crown cannot naturally admit of, nay, it would be absolutely destroyed by a heterogeneous ability from Parliament, to exercise in England either of the species of power that it now exercises at Quebec or Massachusetts Bay. The people never delegated to Parliament any ability to aggrandize the crown with any such powers, which are heterogeneous to the ability of the one to vest, or to the nature of the other to admit. The prerogative of Parliament, although more exalted, yet is but of the same genus with that of the crown, which "hath a prerogative in all things that are not injurious to the subject; for, in them all, it must be remembered that the King's prerogative stretcheth not to the doing of any wrong."\* When did the people of England delegate to Parliament a power to injure the people of America, and do them wrong by, in effect, giving the crown two voices in the Legislature of Massachusetts Bay—by incapacitating subjects of English blood in Quebec from enjoying the benefits of representation there—and by enabling the crown, through the channel of the Governor and Council, to prescribe law to those subjects, illustrious heirs of Magna Charta and the common law. Would not the people of England think themselves injured and wronged if the Parliament should vest similar powers in the crown to be exercised over them? Are the Americans less sensible of injuries and wrongs? Are they less able to discern them? I hope they will prove a genuine English descent by a display of that great, generous and free spirit which has hitherto characterized their illustrious ancestors. In short, I cannot see that the Parliament, at any rate, can legally exercise over the colonies any powers which it cannot exercise over Great Britain. The Parliament cannot there annihilate or constitute a sovereign to Magna Charta. The great Coke has said, "Magna Charta is such a fellow that he will have no sovereign." How, then, has the Parliament acquired a power, and how has it dared to constitute the King so despotic in any part of the British Empire, as there to aggrandize him a sovereign to this same Magna Charta. The Roman Legislature having vested in Cæsar, unconstitutional authority in the provinces, he was at length enabled only by the means of this authority, to overthrow even the Roman liberties and constitution, and upon their ruins to establish a despotism throughout the whole Empire!

I cannot but now return to consider an object I held as of an inferior

\* Finch L. 34, 35.

nature when despotism was in view. It is the privilege granted to persons charged with murder in the colony of Massachusetts Bay, to apply for the Governor's mittimus to take their trials in any other colony, or in Great Britain! It is nothing less than enabling the accused to stand trial in a country, where by a thousand accidents or stratagems, the enormity of the crime may not be known. Upon which proceedings, an elegant writer furnishes me with a most just idea. "No oppression is so heavy as that which is inflicted by the perversion and exorbitance of legal authority, as when plunder bears the name of impost,"\* and murder being perpetrated by authority of law, the villain escapes conviction, flying the country by the secure conveyance of a mittimus from the magistrate. This policy is new in the English jurisprudence, for it is not to be assimilated to the act for trial of the rebels of 1745 in London. They were carried to London for their surer conviction; besides, they were taken in arms, in open rebellion. And, I dare venture to say, whoever drew the act in question, took the policy from antiquity, at the time of the first Roman Emperors; for Tacitus somewhere says, that when the legions, being encamped, were oppressed by their centurions, and in a clamorous manner demanded justice of the generals, to save the accused from the vengeance of the injured, they at once ordered them to prison, under pretence of future punishment, but in truth only to screen them from the popular fury, and to enable them to escape the doom due to their crimes.

When the first Charles billeted soldiers upon his subjects, the commons of England presented † to the King, a petition for redress of that grievance. In it they asserted, "that, whereas, by the fundamental laws of this realm, every freeman hath, and of right ought to have, a full and absolute property in his goods and estate; and that, therefore, the billeting and placing soldiers in the house of any such freeman against his will, is directly contrary to the said laws."‡ An assertion which the Americans may use with equal propriety, against the quartering soldiers among them by authority of Parliament.

The arguments relative to Durham, have fully proved, that to be constitutionally bound by Parliament, the people to be so bound, must constitutionally give their consent in Parliament; by representation of their own election, as other counties have. And, as this kind of consent is necessary to taxation, so, when the property of a freeman is to be

\* Rambler, No. 145.

† Anno 1628.

‡ 7 Parliamentary History, 447.

legally submitted to the quartering and billeting soldiers, the above assertion of our honest forefathers teaches us to say, the consent of the freeman is indispensibly necessary. A consent that we know can be constitutionally given only in Parliament, by representation of his own election. A representation which the Americans have at no time ever had in the High Court of Parliament, and therefore they are not constitutionally bound to pay taxes, or to provide quarters for soldiers, by authority of Parliament.

But soldiers are nevertheless to be quartered in the houses of American freemen, even against their consent. Similar causes generally produce similar effects; and what a train of mischiefs have had birth from such a measure in England! The above petition to Charles presented to his view a most fearful arrangement.

“1. The service of Almighty God is hereby greatly hindered, the people in many places not daring to repair to the church, lest in the mean time the soldiers should rifle their houses.

2. The ancient and good government of the country is hereby neglected, and almost contemned.

3. Your officers of justice in performance of their duties have been resisted and endangered.

4. The rents and revenues of your gentry, greatly and generally diminished; farmers to secure themselves from the soldiers' insolence, being by the clamor and solicitation of their fearful and injured wives and children, enforced to give up their wonted dwellings, and to retire themselves into places of more secure habitation.

5. Husbandmen, that are as it were the hands of the country, corrupted by ill-example of the soldiers, and encouraged to idle life, give over work, and rather seek to live idly, at another man's charge, than by their own labor.

6. Tradesmen and artificers almost discouraged, by being forced to leave their trades, and to employ their time in preserving themselves and their families from violence and cruelty.

7. Markets unfrequented, and our ways grown so dangerous that the people dare not pass to and fro upon their usual occasions.

8. Frequent robberies, assaults, batteries, burglaries, rapes, rapines, murders, barbarous cruelties, and other most abominable vices and outrages are generally complained of, from all parts where these companies have been and have their abode—few of which insolences have been so much as questioned, and fewer, according to their demerit, punished.”

Without doubt, it will be said, the excellent discipline at present established among the British soldiery will effectually secure the Amer-



icans from such horrid mischiefs. But I cannot be persuaded from an opinion, that when soldiers have a good opportunity, they will rifle in the absence of their landlords; that drunk, they sometimes will be, and then, nay even when sober, they may be induced to obstruct the officers of justice, as in the case of General Gansel; that wives and children cannot but be under terrors and fears of a soldiery, quartered among them, to awe society into slavery; that the lower rank of people is apt to be corrupted by the residence of a soldiery, and thereby easily encouraged to leave their trades, and to "live idly at another man's charge;" that ways will be dangerous, and robberies, batteries, burglaries, rapes, and seductions will be unavoidable, even under the discipline established among British troops, quartered as curbs upon the Americans. For to make the Americans feel the curb, they will be decently turbulent, even by private allowance

Thus, it is as clear as the sun at noon, that the taxation of America; the constitution of councils by mandamus, and the manner of filling them; the want of constitutional Courts of Ordinary, and of Chancery, and Appeals being under the jurisdiction of the King in council; the dependence of judges upon the crown; the granting writs of assistance to the customs; the oppressive powers vested in the courts of admiralty; the British Parliament exercising a power to bind the colonies, in all cases whatsoever, from the violation of private property even up to the establishment of a despotism in America; and in the billeting soldiers in America, are all unconstitutional illegal, and oppressive—grievances crying aloud for redress, and heightened by a keenly affecting sensation, arising from the appearance of the British arms by land and sea, now threateningly advanced, to continue and to enforce such oppressions and to compel America to bow the neck to slavery!

Having thus seriously viewed and ascertained a state of grievances pregnant with horrible uproar and wild confusion, we will now no less minutely view the foundations from which the Americans build their claim of rights and liberties.

In the same degree with the people of England, are the Americans of the lawful posterity of those freemen, who enjoyed the benefits of the common law of England, and who ascertained their ancient and unalienable rights and liberties, by Magna Charta, and by the petition of right—liberties recognized anew by the bill of rights, and by the Act of Settlement. And therefore are the Americans, equally with the people of England, entitled to those liberties which are emphatically termed the unalienable liberties of an Englishman. And from such a title does America derive her freedom—a title of infinitely more importance, than the colonial charters from the Crown.

Therefore, like the people of Durham, the Americans being freeholders of the British Crown, these cannot constitutionally be taxed by Parliament, without their consent signified by a representation there of their own election, as the people of Durham being other freeholders of the British Crown have there. And this precedent of Durham, at once flies at the novel doctrine, distinguishing between taxation and legislation. We have already found, that to be constitutionally taxed, the people of Durham had such a representation in Parliament, of their own election as other counties have there—that is a representation endowed with such powers, being of such a nature, and for such ends as other counties have in Parliament. In short, the acquiring a representation for the purpose of taxation, *ipso facto*, works a representation at once complete for every legislative purpose; otherwise the representation allowed the county of Durham would not be such a one as other counties have in Parliament. Hence, we cannot see that there is any distinction, in the nature of a representation for the purpose of taxation or of legislation. And I must confess, that it seems astonishing, at least to my very limited understanding, that any man should say, it is absolutely necessary to obtain the American's consent, implied by actual representation in Parliament, or, it is not lawful to take one shilling out of his pocket by taxation—and yet, without his consent, it is lawful to divest him of the value of his whole property, and eventually take his life by legislation! For my part, I cannot unravel the apparent absurdity of the position; I must leave that work to more comprehensive understandings, and I will continue to think, that there is much less ceremony necessary to take a shilling belonging to me, than my whole estate or my life. If a man has a legal right to take the two latter against my consent, I cannot see any reason why he cannot as legally take the first without even asking my pleasure. But the favorers of this apparent absurdity seem to have forgot a first principle in government, which effectually destroys their position. They say, that although consent by representation is absolutely necessary to the taxation of America, yet, British legislation may legally operate over America, without, and even against her consent. But the great Locke and Hooker,\* are of a contrary opinion, and in the most explicit terms. As a first principle of lawful legislation, they lay down, that the consent of the society over which the legislation is to be exercised, is absolutely, indispensibly necessary; either to be expressed by themselves, or, by authority from them; otherwise the legislation “is no better than a mere tyranny.” America has at no

\* Locke on Civil Government, 205—Eccl. Pol. l. 1 sect. 10.

time ever given any such consent; and therefore, any taxation or legislation by the British Parliament over America against her consent, "is no better than a mere tyranny."

The claim of a second or middle branch of legislature in the colonies, to be permanent and not subject to removal by the Crown, and to be called out of American families, is certainly unexceptionable. We do not yet desire dignities, lordships, and dukedoms—but we have an equitable right to the benefit of the English constitution, formed by the courage and wisdom of our ancestors, for the equal benefit of all their posterity. A second branch of legislature, permanent and not subject to removal by the Crown or people, is an essential part of that constitution, and, therefore, we equitably claim such an independent branch of legislature. We, likewise, with the utmost propriety, claim that this branch shall be formed out of American families; as men so interested will be more zealous for the interests of America, than strangers destitute of property and natural alliance in the colonies. Thus, from the same principle it is likewise obvious, that the majority of the Council of State to the Governor, ought of right and of equity, to consist of men connected with the colonies by fortune. In what light would the people of England hold the King's Privy Council, if a majority of it consisted of upstarts in the society, destitute of the shadow of an estate, depending upon the pleasure of the Crown for their daily bread? And from the same causes that the people of England found it necessary, for the preservation of justice,\* to annihilate by an express Statute,† all judicial power whatever in the King and Privy council; so, for the same reason it is necessary that judicial powers in the Governors and Councils ought likewise to be annihilated, for the good of the people of America, since no man will contend that powers which by undue influence were dangerous in the hands of the King and his council, will be of public advantage, and not in the least exposed to undue influence, in the virtuous hands of needy Governors, and their hungry dependent councils. Nothing, therefore, is more to be avoided in a free constitution, than uniting the provinces of a Judge and Minister of State:‡ *a fortiori* a Governor, who is the executive power—"which union might soon be an overbalance for the legislative."§

Hence it is evident, that a Governor's exercising the functions of a Judge, threatens the very existence of the freedom of a State; and I

\* 1 Blackstone, 269.

† 16 Car. 1 c. 10.

‡ 1 Blackstone, 269.

§ Ibid.

shall proceed to demonstrate, that such a dangerous junction of power, is directly contrary to the common law.

The Governor is the Executive power in the colony. But, although representing the sovereignty of the King, and wielding his Executive authority, he cannot possess or exercise any of the royal powers, prerogatives, and attributes, than such as are delegated to him in the royal commission. It is laid down, that the King cannot personally distribute justice, having delegated his whole judicial power to the judges of his several Courts,\* which are the grand depository of the fundamental laws of the Kingdom.† Hence it is clear, the King cannot delegate to his Governor, the representative of his sovereignty, any of the powers of the Ordinary or the Chancellor to be exercised by him, seeing he himself cannot in his own royal person exercise any judicial power whatsoever. No, he has not even the power of a common Magistrate to arrest any man for treason and felony.‡ Thus, the Governor, like the King, *quoad hoc*, cannot be any more than the reservoir from whence right and equity are conducted, “by the Judges of his several Courts,” to every individual.§

Thus dissonant to the safety of a free Government, and to the principles of law, appears the formation of the American Courts of Ordinary and Chancery. And, therefore, there cannot be any thing unreasonable in our desiring Courts formed upon a basis by experience found to be most adequate to the sure distribution of justice to the subject. Neither is there any impropriety in desiring, that appeals may, in the first instance, go to a constitutional middle branch of legislature in the colonies. For the expense of making appeals to England is so enormous, and the manner of conducting them to the best advantage by the presence of the parties, so impracticable to most of the colonists, that being thus unable to make and plead to appeals in England, they have been, are and may be often obliged to submit to judgments and decrees in the colonies, deemed by the learned, illegally made by men, whom the royal appointment constitutes Judges, and which is but too often, the only honorable mark of their abilities in law. Here, I might by a number of instances, prove the propriety of this observation in an undeniable manner—but, I cannot condescend to hang up particular characters to the contempt of America—my letter is of too important a nature—I owe a propriety of conduct to my own character. I therefore

\* 2 Inst. 136.

† 2 Hawk. P. C. 2.

‡ 2 Inst. 136.

§ 1 Blackstone, 266.



resume the subject of appeals to the middle branch of legislature in the colonies. But, can the Americans reasonably require this mode of appeal, when the Irish are obliged to pass by their House of Lords, and to carry their appeals to the House of Peers\* in England? Yes, their local situation entitles them to so equitable a distinction. The Irish are, comparatively, at the door of the Supreme Tribunal in England; but the Americans are at a distance of 3,000 miles from that dernier resort. And, to attend appeals to the best advantage, the latter must unavoidably be exposed to a long absence, at a vast distance from their domestic affairs, to great charges of voyage, and to great risk at sea; whereas, the Irish in a few hours sailing, and the absence, of a few days, can superintend their appeals in London, as well as their domestic affairs in Dublin. And is no mode of proceeding allowable, to give some adequate relief in a grievance arising from local situation? Whence came the institution of Circuits, but from such an equity! And surely America! three millions of people! are no less equitably entitled to a proper relief in a similar grievance. We do not claim a dernier resort among us, as the Irish House of Lords arrogated to themselves; therefore the principle of law\* which made it necessary to deprive them of the power of hearing appeals, cannot be applied to America. No! America means loyally to preserve sacred, the superiority of the Imperial State, if the parental justice of the Imperial authority and power, will permit her to act thus, according to the filial dictates of her constitutional faith and allegiance.

Having thus supported the equity of appeals to Tribunals in the Colonies, it is our next step, to support the propriety of appeals from thence to the House of Lords in England.

There is a position in law, that whenever a question concerning property arises in America; as the dernier resort, the King in his Council exercises original jurisdiction therein, upon principles of feudal sovereignty.† And upon this doctrine it is, that our appeals have not yet reached the House of Lords. To oppose this position, I shall make use of two others; the one ancient, the other very modern. It is laid down as common law, by Sir Edward Coke, that the King cannot personally distribute justice, having delegated his whole judicial power to the judges of his several Courts. Hence it must follow that the King

\* That a dernier resort cannot be lodged in a dependent state, because the law appointed or permitted to such inferior dominion might be insensibly changed within itself, without the assent of the superior, to the disadvantage or diminution of the superiority.

VAUGH. 402.

† 1 Blackstone, 231.

in his person, cannot exercise an original judicial power upon the principles of feudal sovereignty, over the property of a country having the benefit of the common law. The question therefore is, whether or not America is such a country?

The nature of the operation of the Common Law in establishments of natural English subjects in America, as it is a point that has been more minutely enquired into within these eight or ten years, than ever it was at any time before, so without doubt, that point of law is better understood at this day, than at any time preceding. Hence, notwithstanding it has been laid down, that the Common Law has no natural operation in the American colonies obtained by conquest or treaties,\* yet the more modern and better position now established as a settled point is, that English subjects emigrating from England to colonize America, carry with them, inherently in their persons, a title, which is unalienable, and which no time or climate can invalidate, to enjoy the benefits of the common law in America; where, upon their arrival, it is *eo instanti* of force. And such were the lares our forefathers religiously embarked with themselves, to protect them and their posterity in the wilds of America! Thus undoubtedly possessed of the birthrights of Englishmen—rights evidenced by Magna Charta! shall we suffer them to be frittered away, or in any degree to be invalidated by a fiction, and artificial refinement of original judicial power, upon principles of feudal sovereignty? Shall an original sovereignty, long annihilated in the English Crown by common law, now be permitted to revive by a fiction, to destroy original rights, expressly and often ascertained by the forefathers of the Americans, and admitted as often by the Kings of England? To expect this, is to think that the Americans have no reasoning faculties. But supposing the position to be true, that the common law not naturally operating in America, the Crown therefore possessed in appeals, an original jurisdiction, upon the principles of feudal sovereignty. Yet of what importance can this be in support of the jurisdiction, since it must cease when the common law operates, which it has long since done in America; and besides the Crown, in the most express terms, has relinquished such a jurisdiction, if it could have had any such, by the charters granted to the American colonies? In these charters, the Crown has covenanted with the emigrants to America, that they and their descendants there to be born, shall be in all things held, treated, and reputed as the liege faithful people of us, our heirs and

\*1 Blackstone, 107.

† Carolina Charter, 17 Car. 2.

successors born within this our kingdom, to have and enjoy all liberties, franchises and privileges of this our Kingdom of England, as our liege people born within the same.\* Can words be more explicit? Has not the Crown by this covenant relinquished the idea of feudal sovereignty? Otherwise, how are the Americans to be deemed to have and enjoy all the liberties and franchises of England, as in like manner with the liege people born there? And as we know the Crown has no feudal sovereignty over them, and cannot exercise any original jurisdiction over their appeals, so neither can it legally arrogate a right to exercise an original jurisdiction over appeals from America, whose inhabitants the Crown has, by Charters, declared shall be held, and reputed to have and enjoy all the liberties and franchises of England, in like manner as the people of England themselves. At this period, the King's right to an appellate jurisdiction over disputes about American property, seems absolutely annihilated, to all intents and purposes to which arguments can operate. However, I shall continue the subject, in order to settle it by a point of law.

It is laid down that the powers which are vested in the Crown by the laws of England, are necessary for the support of society, and do not intrench any farther on our natural liberties, than is expedient for the maintenance of our civil.† Nothing can be more equitable than such a principle of law. America joins issue upon it. She pleads that the civil liberties of Great Britain and of America cannot sustain any prejudice by American appeals being carried to the House of Lords, and produces that mode of proceeding from Ireland as evidence of the propriety of the plea. Bracton says, *nihil aliud potest Rex, nisi id solum quod de jure potest*. How then, by any fiction, can the prerogative withhold appeals from being carried to the House of Lords, when such a measure is not "expedient for the maintenance of our civil liberties?" Or how can the prerogative militate, to the partial violation of an express Statute‡ enacting, that the King and Privy Council shall not "by English bill, petition, articles, libel, or any other arbitrary way whatsoever, examine or draw into question, determine or dispose of the lands, tenements, hereditaments, goods or chattels of any of the subjects of this Kingdom?" Were not our forefathers Englishmen, and are not we, their descendants, subjects of England? Yes, but the Statute does not respect Americans, no mention is made of them. Strange! that it must be construed so very strictly, as not to admit the common import

\* Carolina Charter, 17 Car. 2.

† 1 Blackstone, 237.

‡ 16 Car. 1: c. 10.

of the words, "any of the subjects," nay, the commonly equitable construction of those words." Can it be imagined that the justice, and equitable policy of that Parliament, meant to subject the Americans of that period, to the judgment of a tribunal they themselves no longer dared to trust? Would not such a sacrifice of the Americans, be the highest violation of justice? The Parliament thought so, and included the Americans under the expression "any of the subjects of this Kingdom," in like manner as Ireland is construed to be included under the general words "within any of the King's dominions.\* Thus, I may safely lay it down, as a point of law not to be denied, that the Statute of Charles, does incapacitate the King and Privy Council from exercising, over the property of Americans, subjects of the English Crown, any judicial power whatsoever, except in appeals from the Court of Admiralty.† And farther, that no Act of Assembly of a dependent colony, an inferior state, can vest in the English Crown, the imperial state, any power or jurisdiction to be exercised in the imperial state, or even to appertain to the Crown of England, which the law of the imperial dominion of England expressly says cannot vest in, or appertain to the Crown to be exercised over "any of the subjects of the Kingdom." I here rest the point relative to the King's appellate jurisdiction over American property. I shall however, continue the subject upon an entire new ground of argument, not with any design, more firmly to establish our claim of exemption from such a jurisdiction, but for the sole purpose of claiming objects, in their nature unlimited, and of the utmost importance to the liberties of America.

It is laid down, that the fundamental right of Englishmen is that *residuum* of natural liberty, which is not required by the laws of society to be sacrificed to public convenience.‡ Hence, I may safely lay it down, that at any time when, the public convenience no longer requiring, the law of society remits a sacrifice of a particular natural liberty; then that natural liberty reverts *eo instanti* to the residuum, for the benefit and advantage of the common and joint heirs of that residuum, to all intents and purposes, as if it had never at any time been separated from it, to be sacrificed to the public convenience. Thus, there cannot at any time be an increase of liberty to the English subject, but what his ancestor coëval with the Constitution was absolutely possessed of, and then separated from the residuum, to be sacrificed as long as the public convenience should require it, with remainder-

\* 1 Blackstone, 101.

† 6 Anne: c. 37.

‡ 1 Blackstone, 129.



over to revert to the residuum vesting in his heirs. The conclusion therefore must be, that whenever an Act of Parliament remits the sacrifice of a natural liberty, and thereby, *ipso facto*, re-annexes it to the main stock of the residuum, it becomes a part of that residuum as if it had never been separated from it; and the Americans being with the people of England, equal heirs of this residuum, however increased by the remainders-over resulting to it, must at once enter into possession of this natural liberty, now again become a component part of the residuum, without any necessity of their being mentioned in the public Act, signifying that the public convenience no longer requires a sacrifice of that particular natural liberty, or exemption from the jurisdiction of the Crown. Upon these principles, the Americans may justly claim to participate, in every restoration of natural right, liberty, or exemption in any shape, from the royal influence, power and jurisdiction, which the people of England shall at any time receive—by the independence of the Judges, assuring to the public a security against the influence of the Crown, as well as being delivered from the Royal power, by their properties being exempted from the jurisdiction of the King and Privy council. A tribunal, which, as it has been, so, it may again be thought, inclined to pronounce that for law, which may be most agreeable to themselves.\* And what just reason can there be, that the property of the Americans should be under the jurisdiction of a tribunal, which the people of England themselves dare no longer trust? Why this odiously unjust distinction between people of the same blood and allegiance? But this is not the only harsh partiality of the English domination. Why is it a principle of their law, that from all the dominions of the Crown, except Great Britain and Ireland, an appellate jurisdiction in the last resort, is vested in the King and Privy Council, upon the principles of feudal sovereignty?† Upon what principle of law is this exception grounded in favor of Ireland? Let us examine into the nature of her dependence upon the Crown of Great Britain, and let my purpose, to form a comparison between the liberties of Ireland and America, justify my continuing the subject of appeals. The original and true ground of this dependence is by conquest.‡ So far then, the nature of the acquisition of the *terra firma* of Ireland and America, is in law considered alike; and, therefore, as the King may alter the original laws of the acquired Indian and French territories in America, so he may, in like

\* 2 Blackstone, 269.

† 1 Blackstone, 269.

‡ 1 Blackstone, 231.

manner, alter at his will and pleasure, the laws of the acquired territory of Ireland, and by consequence, the Crown cannot but have an appellate jurisdiction, in the last resort, over the Irish, Indians and French, equally conquered, and inhabiting countries equally acquired, by conquest or by treaties and cession. As this must be granted, then, whence comes the exception in favor of Ireland? I cannot see that it has arisen any otherwise, than by a Statute there, confirming, as Sir Edward Coke\* apprehends, the letters patent of King John, ordaining in right of the dominion by conquest, that Ireland should be governed by the laws of England—that is the common law, instead of the Brehon law of Ireland.† If thus, the common law of England obtaining in Ireland, emancipated, as it certainly did, the originally conquered inhabitants of the territory from the King's appellate jurisdiction upon principles of feudal sovereignty, the English colonies and settlements in America must, *a fortiori*, be equally emancipated by the same operation of the Common Law, first established in most of them, by Acts of their Assemblies, and now in all, by the late doctrine, that the law is the inherent natural right of every English settlement in America. And, if notwithstanding the common law operating in America, equally as in Ireland, the King still exercises over the former, an original appellate jurisdiction in the last resort, upon principles of feudal sovereignty, by what law not applicable to the former, is the latter emancipated from that jurisdiction, originally applicable to each? A Statute‡ of George the First annihilated the appellate jurisdiction of their House of Lords—there was no Statute directing that appeals from Ireland should go to the House of Lords in England, and therefore it is evident they found their way there, by the conveyance and mere operation of the Common Law. America, not having any appellate jurisdiction in the dernier resort within herself, was then, in that respect, in the same situation in which Ireland was reduced by the Act of George the First, and the common law being of force equally in the two colonies, why should not appeals from America as from Ireland, equally find their way to the House of Lords in England, by the same conveyance and mere operation of the same common law? The Irish, Indians, and French were originally aliens, and it seems incomprehensible to me, that the English colonists in America, can, by any fiction of law, so lose their natural rights of inheritance under the English Crown, as to be reduced to the situation of aliens conquered, and therefore bound to admit the law of

\* 1 Inst. 141.

† Vaugh 294.—2 Pryn. Rec. 35.—7 Rep. 23.

‡ 6 Geo. 1. c. 5.

the conquering monarch. In short, the English colonies in America, are taxed against their consent; their criminals have a power, by English law, to fly from their just vengeance; the value of their property is taken from them, and vested in the Crown; and despotism is established in an English Province containing 150,000 French souls, as a precedent and terror to the rest of the continent—because the English Colonists of America quitted their native country, to better their own fortunes, and to enable Great Britain to form the most lucrative colonies a parent State ever possessed—to establish the most powerful Empire the world ever saw—and to be at present in her turn the rising power in Europe.

A most striking instance of justice and gratitude to Colonists, who, according to the present system of Europe, form the basis of the British grandeur! Colonists! who being justly and tenderly treated, bid fair to render the British Empire more powerful, more glorious, and more durable, than any we find recorded in historic page. But alas! instead of parental tenderness, we experience a step-mother's severity—instead of justice, we receive marks of the most unfeeling ingratitude! Why should not the English Colonists in America, enjoy the same national rights, which the English Colonists in Ireland possess? Are not their rights the same, equally derived from one and the same source? It is with indignation the Americans, blood of the blood of the Imperial people, see themselves, by their own blood, refused the most valuable civil rights, which they have readily granted to the very Irish, an alien race, conquered by their common forefathers. The Irish carry their appeals to the same dernier resort, and there, on equal terms, litigate their disputes with their conquerors. But the Americans, like a vanquished people, are obliged, in the dernier resort, to appeal to the King in Council; and as King John gave the Irish law, in right of dominion by conquest, so the Americans, although of the blood of the conquerors, are under the hard necessity of receiving that for law, which their own natural monarch shall be pleased to pronounce! Soresly as Ireland is pressed, how preferable is her political situation to that of America! Ireland a country conquered, and fattened by the slaughtering sword of England, and now, in a considerable proportion peopled with English colonists, gives aids to the Crown only at her own pleasure—for the Imperial people do not Tax her, because her representatives “are not summoned to the English Parliament;”<sup>\*</sup> and again, “Ireland hath a Parliament of its own, and our Statutes do not bind them, “because they do not send Knights to our Parliament.”<sup>\*</sup> Constitutional as this

<sup>\*</sup> Year Books. 20 Hen. VI, 2.—2 Ric. III, 12.

doctrine is, it will not avail the English Colonists, by whom I may say America is peopled. O Americans! you are taxed, although your "Knights are not summoned," and the English Statutes, are construed to bind, although you "do not send Knights" to the British Parliament; like a conquered people, you hold your property, but by the law of the monarch, pronounced by the advice of the minister! Americans, now, no longer expect spontaneous justice, from the British Dominion, and it is with indignation, that even without any political reason of State, they see themselves postponed in favor, and in important religious and civil rights, to the people of Ireland, whom our fathers conquered. Rights! worthy of being recovered, at the expense of slaughtered hecatombs of heroes. The Americans are but upon a footing with the most trifling appendages of the British Crown, and formerly appendages of Normandy, herself but a Dutchy in France! Know yourselves, O Americans! You are but upon the same establishment, you enjoy but the same civil rights with the people of Guernsey, Jersey, Sark and Alderney. People like yourselves subject to the taxation, and Legislation of the British Parliament, and to the royal award in disputes of property!

I here beg leave to make two observations, which I hope will be admitted with candor. That my frequent repetition of particular words, was ventured upon solely with a view to enforce, and put in the most striking light, arguments, which, without such repetitions, might not have appeared so pointed; and that every disagreeable word respecting the Irish nation, was hazarded only with the same intention.

While Hannibal thundered at the gates of Rome, such was the fortitude of the Romans, a people destined to be *populum latè regem*, that in the forum was sold and bought, even the very ground on which Hannibal was encamped. The Romans opposed him with a vigor, the more formidable, by being temperate. The event was suitable to the conduct. Let us imitate such an example. Let us not give up our rights, because a military government is formed, upon principles of the most baneful policy to the liberties of America, to extend along almost our whole western frontier—an appearance infinitely more formidable to the sea coast colonies than the late chain of forts in that quarter commanded under French commissions—a government accustomed to despotism from its first existence—a people who have always hated, and by their spiritual rulers, will ever be taught to hate us, as heretics and enemies of the *Grand Monarch*, and by their political rulers, to hate us as enemies to despotism. Let us not despair, because armies are, as I may say, encamped upon our rights. No! we will still consider them



our property, as the Romans did their soil, which Hannibal covered with his Numidians, and which he held planted with his hostile ensigns.

The eyes and attention of America—nay of Europe—are fixed upon the American Congress. O Deputies! I doubt not but that you will act worthy of such an expectation. Calmly deliberate upon, then respectfully and boldly declare the Grievances and Rights of America. Be wisely cautious what you determine, but let your determinations be, as fixed as fate. And by a firm demand of our liberties, shew a genuine descent from our patriotic forefathers at Running-mede—in consequence of whose conduct our gracious Sovereign now possesses the Imperial Crown of Great Britain, his subjects derive the continuance of their liberties, and I, an American, have a title to write my name

FREEMAN.

CHARLES TOWN, South Carolina, August 10, 1774.

NOTE.—After writing this pamphlet, William Henry Drayton was superseded as a King's Judge; and was suspended as one of his Privy Counsellors for South Carolina. The proceedings relative to the matter are here given. After this he took an active part in the Revolution of North America against Great Britain.

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THE REMONSTRANCE OF THOMAS KNOX GORDON, ESQ., CHIEF JUSTICE, AND CHARLES MATHEWS COSSLETT, ESQ., ONE OF THE JUSTICES OF HIS MAJESTY'S COURT OF COMMON PLEAS, IN THE PROVINCE AFORESAID.

[MSS. of W. H. Drayton and Council Journals.]

IN THE COUNCIL CHAMBER, Sept. 21, 1774.

Present, his Honor the Lieutenant-Governor, the Honorables Thomas Skottowe, John Stuart, Thomas Knox Gordon, William Henry Drayton, Thomas Irving, Esquires.

His Honor, the Lieutenant-Governor, laid before the Board the following Remonstrance, which he informed them had been presented to him by Mr. Chief Justice, and Mr. Justice Cosslett, yesterday morning.

*To the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-Chief of his Majesty's Province of South Carolina:*

Humbly sheweth unto your Honor, that the happiness of his Majesty's subjects does in a great measure depend upon a just, upright, and impartial administration of Justice.

That in order (as far as possible) to secure so great a blessing to the people, the King's Judges are solemnly sworn to administer justice, without favor or affection.

That the Judges are not punishable for mere errors of judgment, yet there is a constitutional method and form, well known for the removal of such as are weak and insufficient.

That there is a like constitutional remedy both for the removal and punishment of such judges as act in their offices, wickedly and corruptly.

That it would be unbecoming your Remonstrants to say any thing touching their abilities in their several stations, but they do most strenuously insist upon it, that they have ever acted in their offices, with the purest integrity and most upright intentions, ever making the Rights of the people and the King's just prerogatives the equal objects of their care.

That your Remonstrants actuated by these honorable motives, hoped that if they did not deserve much praise, that they would at least escape without censure.

But your Remonstrants humbly shew unto your Honor, that in a late publication entitled "A letter from Freeman of South Carolina to the Deputies of North America assembled in the High Court of Congress at Philadelphia," great pains are taken to vilify your Remonstrants, and to represent them as men totally unfit for the offices they hold, and they are directly charged with having judicially determined a point contrary to law and justice; and that not from ignorance, but from a wicked and corrupt motive, to render themselves agreeable to the Crown, thereby wickedly insinuating that our most gracious Sovereign has an interest distinct from that of his people, and would wish his Judges to increase his power at the expense of his subjects' rights.

That reflections of this nature, held out to public view, are not only highly injurious both to your Remonstrants and the public, by weakening that confidence the King's people ought to have in his Judges, but have also a direct tendency to raise groundless fears in the minds of his Majesty's subjects, and to alienate their affections from his sacred person.

That the said publication is not under the author's real signature, yet from the note in page 6 there is no room to doubt that the Honorable William Henry Drayton, a member of his Majesty's council, and one of the Assistant Judges is the author of it.

That your Remonstrants (were it necessary) could easily justify the opinion Mr. Drayton censures, upon principles of law and justice, but they cannot condescend to enter the lists with so impotent a railer.

They however cannot help submitting it to your Honors serious consideration, whether a man capable of such a publication is a proper person to serve his Majesty, particularly in the office of a Judge on the

same Bench with your Remonstrants, whose characters he has so wantonly, so illiberally, and so falsely traduced.

THOMAS KNOX GORDON.

CHARLES MATHEWS COSSLETT.

Upon a late occasion I gave my word and honor that I would not interfere in any matter of complaint relative to the pamphlet above alluded to, I therefore decline signing this Remonstrance.

EDWARD SAVAGE.

Mr. Drayton thereupon desired that he might have a copy of the said Remonstrance in order to give his answer thereto, and that there might be a public hearing of the merits in the matter complained against him.

His Honor, the Lieutenant-Governor, directed the Clerk to furnish Mr. Drayton with a copy of the Remonstrance, but inform him he could not permit a discussion of the matter between the Judges before any person but his Majesty's Privy Council, and therefore could not comply with his desire in granting a public hearing.

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THE ANSWER OF WILLIAM HENRY DRAYTON TO "THE REMONSTRANCE OF THOMAS KNOX GORDON, ESQ., CHIEF JUSTICE, AND CHARLES MATHEWS COSSLETT, ESQ., ONE OF THE JUSTICES OF HIS MAJESTY'S COURT OF COMMON PLEAS, IN THE PROVINCE AFORESAID," EXHIBITED TO HIS HONOR THE LIEUTENANT-GOVERNOR AGAINST "THE HONORABLE WILLIAM HENRY DRAYTON, A MEMBER OF HIS MAJESTY'S COUNCIL AND ONE OF HIS ASSISTANT JUDGES."

[MSS. of W. H. Drayton.]

*To the Honorable William Bull, Esq., Lieutenant-Governor and Commander-in-Chief in and over his Majesty's Colony of South Carolina :*

MAY IT PLEASE YOUR HONOR ! In consequence of the remonstrance which your Honor laid before his Majesty's honorable Council, on the twenty-first day of September last, and which had been presented to you two days before by Mr. Chief Justice and Mr. Justice Cosslett, touching a late publication entitled "A letter from Freeman of South Carolina, to the Deputies of North America, assembled in the High Court of Congress at Philadelphia," charging that publication to me, and therefore submitting it to your Honor whether I am "a proper person to serve his Majesty, particularly in the office of a Judge ;" I have the

honor to form this answer to that remonstrance, with the most profound respect submitting it to your Honor's wisdom and justice. And as to draw up a proper answer, it is necessary that I examine the remonstrance minutely in, and show that I pay due attention to, every part of it, however foreign to the main subject of the complaint contained in it; so, thus early I beg leave to bespeak your Honor's patience and indulgence, if in tracing the meandering of my seniors in office, my answer be therefore drawn into some length.

As one event, sir, naturally brings to the mind others of a similar nature; so the present remonstrance forces upon me a recollection of a late complaint. In the year one thousand seven hundred and seventy-one, Mr. Chief Justice Gordon, presented to the late Governor, a complaint against the Honorable Rawlins Lowndes—then one of the Assistant Judges. The learned Chief Justice in that complaint termed Mr. Lowndes' conduct "strange, improper and unconstitutional, unbecoming the station and character of one of the King's Judges." But, sir, after a full hearing upon the complaint and answer, so little attention was paid to the *ideas* of the learned Chief Justice, that by the unanimous advice of council, the Governor dismissed the complaint. Hence, being sensible of the defects of the remonstrance, I already, sir, cheerfully look forward in expectation that the present remonstrance, will have a like fate with the late complaint. The same learning, temper, and prudence which formed the one, I plainly perceive have fashioned the other; and very probably the same cause gave birth to each. I will remark to your Honor, that Mr. Lowndes and myself, are the only Judges who have ventured, and with success too, to charge Juries in contradiction to the rest of the Court.

May it please your Honor! The first four sections of the remonstrance, in my opinion, are common-place positions, absolutely unconnected with the subject matter, or subsequent parts of the remonstrance. However, sir, as decency induces me, not totally to slight any part, that their Honors, the Judges, think of capital importance in, and as I may say, corner-stones of the very extrajudicial work; so, in answer to those sections, I sum up all my observations, in the comprehensive and very significant word—granted.

The fifth section, sir, is the first of moment to their Honors, or to myself. It sets forth, "that it would be unbecoming your Remonstrants to say anything touching their abilities in their several stations." I perfectly agree with their Honors in this sentiment; but surely, sir, it will not either in point of decency, or in point of law be unbecoming or injudicious in me, to say something touching so very delicate a subject?



For, in my necessary defence to your Honor, to their charge against me, I am constrained to call the legal abilities of those Judges into question ; otherwise your Honor might possibly be induced, in consideration of their stations as high law officers, to hold their opinions in point of law, in an unmitigated degree of estimation, to the detriment of my defence in point of law. And for this purpose, I most humbly shew unto your Honor—that on the tenth of April one thousand seven hundred and seventy-two, a case *Egan. v. Swint and others*, came on to be heard in Chancery. In forming the Decree, the Court was equally divided. The late Governor and every other member having voted, Mr. Chief Justice Gordon denied the Governor to give, as he termed it, the casting vote. I objected and declared that no Judge in the King's dominions had two voices on the same question. The learned Chief Justice affirmed the contrary declaring that “in Westminster Hall whenever the Chief Justice and one Puisne were of one opinion, and the two other Paises of a contrary opinion ; the Chief Justice and his Puisne always made the rule in the case.” The present Attorney General was called in to declare the proceeding upon a division in the Court—he at once silenced the learned Chief Justice—for, sir, the Attorney had really studied law. Farther, that on the twelfth of October last, a motion was made for leave to file a Bill against the Honorable Sir Egerton Leigh, Bart., for false imprisonment of T. Powell. Mr. Chief Justice, in his Majesty's Council, originated, counselled, and ordered that imprisonment ; and had judgement gone against Sir Egerton, the Chief Justice must in honor have paid one-fourth part of the costs and damages ; the Chief Justice also aided in the procuring Council to be employed in defence of the imprisonment, if any action should be attempted to be brought for the recovery of damages.

May it please your Honor, there is a maxim in law, with which you have been long acquainted—“*Nemo potest esse judex in propria sua causa.*” But, sir, every person does not understand law. The Chief Justice took his seat upon the Bench—presided during the arguments upon the motion, which came on to be heard the sixteenth of October, and when they were concluded—out of his pocket he very equitably drew his opinion—for he generally hears arguments prepared to answer them from an opinion in his pocket, and taking the lead—pronounced his written opinion which he had drawn up at his Chambers ! the motion was quashed. But, notwithstanding the opinion thus extra-judicially determined and drawn up in form, and this appearance of being “*judex in propria sua causa,*” it is not to be doubted I suppose, but that the Chief Justice took his seat on the Bench, entirely unprejudiced and

*unbiassed in opinion—impartial* between the parties, and to borrow a figure from the Remonstrance, then “*acted in his office with the purest integrity AND MOST UPRIGHT INTENTIONS.*” In short, he was indisputably *rectus in curia*. Further, that on the last northern circuit, an action of Trover was brought on before Mr. Justice Cosslett. The Counsel for the defendant, pleaded the Act of limitation; but in charging the jury the Judge directed them that, “the Act did not bar, because the Plaintiff did not know where the property in litigation was, or against whom to bring the action.” A determination, sir, which violates every principle of law—I shall mention only one—*ignorantia legis neminem excusat*.

Farther, that on the eleventh of August last, Richard Howly, a native of Ireland—a character not known here, applied to the Court of Common Pleas in Charles Town to be admitted an Attorney, his petition and affidavit setting forth that he had been a member of the Middle Temple during three years and a half, and had there kept seven distinct Terms. Our rule of Court minutely draws the lines of admission, and in Mr. Howly’s case expressly requires a certificate showing that the person applying for admission “hath been a member of some of the four Law Colleges, for the space of five years at the least; and hath kept eight terms commons. Such being the rule, Mr. Chief Justice and Mr. Justice Cosslett in open Court admitted Mr. Howly “as duly qualified.” I will remark to your Honor that in London no person is admitted to the Bar, but such as come within the express and strict letter of the rule of admission. But Mr. Chief Justice, under his hand, declared to me, “our rule it is true requires five years standing and eight terms Commons to be kept; but this gentleman came from England here, *under a full persuasion that he had done enough*—and no man can pretend to say that the spirit and meaning of the rule has not been preserved.” Thus, sir, I stand instructed—that the spirit and meaning of a law is preserved when the Judges accept less than that which the law expressly and clearly says, shall be accepted “at the least;” and also, that in law, a person has really done as much as the law requires, whenever he shall be pleased to be “under a full persuasion that he had done enough.” I may observe to your Honor that, there are not wanting instances to shew this doctrine is not construed to extend to Americans. All these things being of public notoriety among the principal inhabitants of this town; it was I assure your Honor, without the least astonishment, I saw your learned Remonstrants in their sixth section, gravely hope, “that if they did not deserve much praise, that they would at least escape without censure.”

Conscious of the abilities of the learned Judges, I cannot but render so much honor to them as, candidly to declare that I find myself incapable to imitate the style of their Remonstrance; and I trust it will not be thought improper if meekly regulating myself by the sacred page, in good humor, I return good language for abusive terms—symptoms of heat and intemperance. Sir! your Remonstrants in their tenth section say on a point of law, “they cannot condescend to enter the lists with so impotent a railer.” My respect for the King’s Commissions decorating the persons of Mr. Chief Justice and Mr. Justice Cosslett, and elevating them into consequence and ease, prevents my retorting any epithets of contempt upon them—my veneration for your Honor, incapacitates me from hurting your sensibility, with a use of abusive appellations respecting men connected with your Honor, by being in eminent public stations—and my own feelings, sir! effectually bar me from condescending to adopt language unbecoming the mouth or pen of a gentleman. Wherever a contrary style may be found, I trust, sir, it will not appear to flourish under my hand. But, may it please your Honor, taking into consideration the conduct of the Judges, I am at a loss readily to comprehend that tenth section of their Remonstrance. They say on a point of law, they cannot condescend to enter the lists with me; yet even while they said so to your Honor, they were actually and actively busy in preparing lists for us to engage *vis-à-vis* upon points of law, and those too, touching their Remonstrance itself. But perhaps they were not aware that such a consequence might attend their presenting their Remonstrance, or they presumed themselves secure from such a consequence, equitably expecting your Honor would condemn me unheard. However, sir, as we are entered in the lists, it is evident that the Judges have by their conduct destroyed the life and spirit of their declaration, but I most readily acquit their Honors of having done so of malice aforethought.

The fifth section again attracts my attention. The Remonstrants study to compliment the people—and in a State-paper, the Sovereign appears in an unusual situation. The Judges say, “the rights of the people and the King’s just prerogatives” are “the equal objects of their care,”—a declaration that carries conviction no doubt, and the imprisonment of Thomas Powell, the printer; and the writs of assistance evidence strongly in their favor.

At length, may it please your Honor, I am arrived at the cause of the Remonstrance, “A letter from Freeman of South Carolina to the deputies of North America.” *Hinc ille lacrymæ*—the complaints of their Honors the Remonstrating Judges—and, “let the stricken deer



go weep." They represent to your Honor, that there are passages in that letter which I have not been able to find in it; and then they say "reflections of this nature held out to public view, are highly injurious to your Remonstrants." But, sir! these "reflections" are not in the publication in question—they are "held out to public view" only by your Remonstrants themselves; of consequence, I cannot seriously think those reflections are really injurious, as I dare say your Remonstrants are not apt, at least of a forethought, to do any thing injurious to themselves. However, if they really destroy their own reputations, the act may be in point of law, *felo de se*; but may it please your Honor, as a Judge is not a Pope, perhaps a Jury of inquest might pronounce it lunacy. In short, sir, pointed as these charges of the Judges are against me—highly dangerous to me if well founded, for they describe a libel of a most aggravated nature, I cannot be too careful to employ every argument to parry their strokes. Diffident of my own abilities, allow me, sir, to call in the friendly aid of a very elegant poet."

The birds in place, by factions pressed,  
To Jupiter their pray'rs address'd,  
By specious lies the State was vex'd,  
Their counsel's libellers perplex'd,  
They begg'd (to stop seditious tongues)  
A gracious hearing of their wrongs.  
Jove grants their suit. The Eagle sat  
Decider of the grand debate.

The Owl arose, with solemn face,  
And thus barrangued upon the case,  
The slander's here—"But these are birds,  
Whose wisdom lies in looks, not words,  
Blund'rers, who level in the dark,  
And always shoot beside the mark."  
He names not me; but these are hints,  
Which manifest at whom he squints.

The Pye, to trust and pow'r preferr'd,  
Demands permission to be heard.  
Says he, prolixity of phrase  
You know I hate. This libel says,  
"Some birds there are, who prone to noise,  
Are hir'd to silence wisdom's voice,  
And skill'd to chatter out the hour,  
Rise by their emptiness to pow'r.  
That this is aim'd direct at me,  
No doubt, you'll readily agree.

Ye wretches hence! the Eagle cries,  
'Tis conscience, conscience that applies;  
The virtuous mind takes no alarm,  
Secur'd by innocence from harm;  
While guilt, and his associate fear,  
Are startled at the passing air,

It would be unbecoming in me to say one word touching any analogy which might possibly be drawn between the Judges and the birds in place, farther than to transpose one word of a sentiment in the Remonstrance.

Libels and libellers appear,  
 "Objects of their equal care."

I now sir! have the honor to consider the charge and inferences of the learned Judges in point of law; I will first distinctly note their errors—and then I will form my defence.

First. Your Remonstrants have extrajudicially determined that the publication represents "them as men totally unfit for the offices they hold!"—that in it "they are directly charged with having judicially determined a point contrary to law and justice!"—and that, "not from ignorance, but from a wicked and corrupt motive to render themselves agreeable to the Crown!" But sir, if this is a just description of the publication, it is according to every legal idea, a libel; and whether or not the description is just—only a jury can legally determine and ascertain its criminality.

Secondly. Your Remonstrants having without doubt equitably determined "*in propria sua causa*," have also extrajudicially declared that these charges are "highly injurious" to them. Whether they are so or not, only a jury can legally determine.

Thirdly. The Judges with great candor lay down, "that reflections of this nature held out to public view have a direct tendency to raise groundless fears in the minds of his Majesty's subjects." If I may hazard an opinion on this head, a jury, who only can legally ascertain this point, would not readily think that those reflections have a tendency "to raise groundless fears."

Fourthly. The Judges assert the publication has a direct tendency to alienate the affections of his Majesty's subjects from his sacred person; a charge against me, sir, describing a contempt and misprison against the King's person and government. But whether or not this tendency is deducible from the publication, only a jury can legally determine.

Fifthly. The Judges have extrajudicially declared that I am the author of the publication in question; and besides they have made this important determination without any legal evidence against me. It is true they learnedly tell your Honor, "the note in page 6" is such evidence of my being the author of the publication that, "there is no room to doubt" of it. But, sir, my Lord Chief Baron Gilbert, and all good

law writers declare, this species of evidence, unconnected with better, cannot operate against me, in any Court of Law in the King's dominions. Thus, it is plain, if your Honor will admit the Lord Chief Baron's law on the point, to be better than our Chief Justices, that either the learned Chief Justice and his learned and very honorable associate do not truly understand the nature of legal evidence; or, that being clothed in the venerable garb of Judges, they thought under that dross they might safely impose that evidence upon your Honor, as legal, which is in truth inadmissible in law.

Sixthly. The Judges have moved your Honor for punishment upon me in the last resort—before they have legally ascertained that I have been guilty of any offence! In short they have in the same breath accused me—evidenced against me—ascertained my guilt—adjudged the nature of it—and, in angry and passionate terms against me, desired my condemnation and punishment! Alas, sir! this is a more violent prosecution than ever was exhibited in the Star Chamber! But I must stop, the remonstrating Judges have declared, “that reflections of this nature, held out to public view, are highly injurious to them; by weakening that confidence the King's people ought to have in his Judges,”—who, conspicuous as they are for “their abilities in their several stations,” ought to expect equal confidence from the public.

Having now, sir, framed my answer touching every part of the Remonstrance, and having attended my seniors in office, in those excursions, from the main subject of their complaint, in which they learnedly chose to lead the way, I now have the honor to form my defence in point of law.

First. The learned Judges, contrary to the uniform practice of the excellent Lord Chief Justice Hale, have publicly predetermined that I am the author of the publication in question. A determination which, in point of law, I am warranted to say is illegal.

Secondly. The Judges assert that in the publication they are directly charged in such sort, as I assert is not deducible from any passages in it.

And, Thirdly. They proceed to draw inferences of the pernicious tendency of those charges; but, sir! as these are points properly cognizable by a jury in the known, established, and constitutional judicatories, so the Judge's application to your Honor, previous to such a legal inquiry, demonstrates that they meant to fix a charge of a very criminal nature and to draw down punishment upon me independent of a legal trial by my Peers. An attempt which plainly evinces their principles to be arbitrary, oppressive and inimical to the liberty of the subject, to our happy constitution, and to American Freedom!

Upon the whole, sir! I humbly apprehend, the laws and constitution have not vested in your Honor, an original jurisdiction in this case; or power to compel the attendance of, or even to admit witnesses so as to hear, judge, and finally determine the merits of the Remonstrance which has been presented to your Honor.

I therefore humbly rest satisfied that your Honor will dismiss the Remonstrance, as illegally, unconstitutionally, and unequivocally instigating punishment upon me in the last resort, even before any offence has been legally imputed, not to say proved against me.

Thus conscious of the ground on which I stand, I hold myself to be absolutely out of the reach of the learned Judges on the present point of contention; there is a law maxim, that it is the voice both of law and humanity that every one must be presumed innocent till he can be proved guilty; and, I rely upon the laws and your Honors knowledge and justice.

All which is most humbly submitted to your Honor.

WM. H'Y. DRAYTON.

CHARLES TOWN, South Carolina, October 3, 1774.

THE REPLY OF THOMAS KNOX GORDON, ESQ., CHIEF JUSTICE, AND CHARLES MATHEWS COSSLETT, ESQ., ONE OF THE JUSTICES OF HIS MAJESTY'S COURT OF COMMON PLEAS IN THE SAID PROVINCE, TO THE ANSWER OF WILLIAM HENRY DRAYTON, ESQ., ONE OF THE JUSTICES OF THE SAID COURT.

[MSS. of W. H. Drayton and Council Journals.]

*To the Honorable William Bull, Esquire, Lieutenant-Governor and Commander-in-Chief in and over his Majesty's Province of South Carolina:*

MAY IT PLEASE YOUR HONOR:—In reply to the answer of Mr. Justice Drayton, we shall not in imitation of him, endeavor to amuse the fancy or mislead the judgment, by attempting a display of wit and humor. The subject is of too interesting a nature to be treated ludicrously; nor shall we trespass on your Honor's time by staying to refute the many errors, mistakes, and misrepresentations contained in the first ten pages of the answer, all the matter thereof, except one assertion in page nine being entirely foreign to the subject of the Remonstrance; from which two plain questions only do arise—first: is Mr. Justice Drayton the author of Freeman's letter? if he is—secondly: is such a publication consistent with the duty he owes the King as one of his servants?

In our humble apprehension, to clear himself of the charge contained in the Remonstrance, there were but two methods for Mr. Justice Drayton to take, either to deny that he was the author of Freeman's letter, or frankly to acknowledge that he was, and then shew that it contained nothing inconsistent with his duty to the King. Mr. Justice Drayton has, however, thought proper to shape his defence in a different manner, and we shall now endeavor to shew the insufficiency and weakness of it.

After writing above ten abusive pages, Mr. Justice Drayton at last condescends in the latter end of page eleven to consider the charge and inferences of the Remonstrance in point of Law, but that he has totally mistaken the law in this point, and has no clear conception, either of your Honor's power in this case, or of our mode of application to you, we shall presently clearly shew.

He sets out with saying "We have extrajudicially determined that the publication represents us as men totally unfit for the offices we hold." This, sir, we absolutely deny, we have determined nothing, either judicially, or extrajudicially on the subject. We have only humbly represented to your Honor, that, in the publication in question, "great pains are taken to vilify us and represent us as men totally unfit for the offices we hold," and that the truth is so, we appeal to the publication itself in pages nineteen and twenty, where Mr. Justice Drayton, may find the reflections complained of in the Remonstrance, which, however, in the ninth page of his answer he positively denies are contained in the publication. He goes on to tell your Honor that the Remonstrance set forth, that in the publication, we are directly charged with "having judicially determined a point contrary to law and justice, and that, not from ignorance, but from a wicked and corrupt motive, to render ourselves agreeable to the Crown." It is true, sir, this is the language of the Remonstrance, and that it is a just description of the publication, and that the publication itself, not only in the instance mentioned, but in almost every page of it, is according to every legal idea, a libel against his Majesty, his Government, his Ministers, and his Parliament. We humbly submit to your Honor's wisdom and judgment, when an action is brought against Mr. Justice Drayton, for writing a libel, it will then undoubtedly be the province of a jury to determine upon the matter, and say, whether he is guilty or not guilty, but you, sir, who have the honor of representing the King's person, and to whom a part of his power is delegated, want not the aid of a jury to determine upon the conduct of the King's servants, or to inform you, when it is proper, or improper, to dismiss them from their royal master's service. Had, Mr. Justice



Drayton, sir, attended to the manifest distinction, between an action instituted against an offender in a Court of Law, in order to bring him to punishment for his crime, and a complaint made to his master, representing him as unfit to be continued longer in his service—we say, sir, had he attended to this palpable distinction, he would have seen your Honor's power over him, without the intervention of a jury. Would Mr. Justice Drayton think it necessary before he discharged a bad servant, to have the verdict of a jury for so doing, or would he conscientiously refuse to determine on his conduct, without such a sanction? surely not! But this power which he would doubtless claim himself, he modestly denies his Sovereign! The same spirit breathes in every page of Freeman!

The second clause of his answer is, "That we having without doubt equitably determined in *propria causa*, have also extrajudicially declared that these charges are highly injurious to us—but whether they are so or not, only a jury can legally determine. To the first part of this clause we reply as we have observed before, that we have determined nothing. To the second part of it we admit we have declared to your Honor that these charges are highly injurious to us, and to indulge the gentleman, we admit such declaration is extrajudicial, had it been judicial there would have been reason to say we had determined in *propria causa*. To the last part of it we reply, that if we shall hereafter institute a suit against Mr. Justice Drayton for damages, we shall then submit it to a jury whether we have sustained any and what degree of injury.

The third clause of his answer is, that "a jury only can legally ascertain whether the reflections contained in the publication have a direct tendency to raise groundless fears in the minds of his Majesty's subjects." Our reply is that should an action be brought against him to punish him for the crime of libelling, it would then be the province of a jury to ascertain that point. As to the opinion hazarded by the gentleman of what a jury might think, upon such an occasion, it being only an opinion requires no answer—the opinion, however (to use his own phrase), is somewhat hazardous and might possibly turn out to be ill-founded, notwithstanding the gentleman's great popularity, and the high degree of estimation he stands in with the public.

The fourth clause is, that "only a jury can legally determine whether such a tendency is deducible from the publication as we allege, viz: the alienation of the affections of his Majesty's subjects from his sacred person." Was this a prosecution in a Court of Law for a libel, the gentleman would be right; it however, is not, and we have already observed on your Honor's power of determining on the conduct of the



King's servants. The gentleman, with some surprise, says this charge against him describes a contempt and misprison against the King's person and government. It certainly does, and who that reads "Freeman's" letter, can hesitate a moment to declare, the author of it guilty of that crime? For who that has any real regard to his country!—who that has the smallest particle of affection or respect for his Sovereign, would as "Freeman" does in his first pages, compare the present time with the reign of Charles the First? There is not the most distant similitude between the two periods, nor can the present unhappy discontents subsisting in his Majesty's American Dominions, be with any degree of truth compared to those, which subsisted in England during the reign of the unhappy Charles. Your Honor's acquaintance with history, makes it unnecessary for us to point out the difference. But not content with this false and disgusting picture of our most gracious sovereign "Freemen" next compares him to the Turkish Sultan! and asks "what greater power has the Sovereign at Constantinople over a Province in the East, than the Sovereign at London now has over a Province in the west?" Can anything be more contemptuous both to the King and to his people! to liken a Prince, who has ever made the rules of the Constitution the measures of his government, and in the very instance mentioned has acted by the advice and consent of his Parliament, to liken such a Prince, to the despotic Monarch of the Turkish Empire, is such an insult, as language cannot furnish terms sufficiently strong to express it by, but every loyal British heart, though wounded by the calumny will vindicate our sovereign from the foul aspersion.

In pages five and six he openly declares "That the liberty and property of the American are now at the pleasure of a despotic power, and that an idea of a risk of life itself, in defence of his hereditary rights cannot appal him, or make him shake from his purpose, when perhaps those Rights can be maintained, only by a temporal suspension of the rules of Constitutional proceedings." And a little after he says "He now opposes a violation of his rights by an established Monarchy." Is not this, sir, a direct opposition to the King, who is the established Monarch? Is it not sounding the trumpet of rebellion, and declaring that he will risk his life to suspend the rules of constitutional proceedings.

The next instance of contemptuous treatment of majesty occurs in the eighteenth page of "Freeman's" letter, where the King is pretty severely censured, for exercising his undoubted right of appointing such Counsellors, as he thinks will give the honestest advice, and best assistance to his different Governors.

In the next two pages, with a decency and modesty peculiar to "Freeman" himself, he openly and plainly insinuates, that dishonesty is the best recommendation of a Judge to the Royal favor, and then holds on his way to fly at objects of more importance, of greater grievance! nothing less than the increase of Royal power by the annihilation of popular rights, and a despotism over English people; in page twenty-four, still holding on his way he wings his flight still higher, and asks "How then has the Parliament acquired a power, and how has it dared to constitute the King so despotic, in any part of the British Empire?" This is directly to Majesty, it is asking how has the King acquired a power? and how has he dared to constitute himself so despotic? for your Honor knows, that the King is a component part of the Parliament, and of course must be included in, and meant by the term Parliament. It would be tedious to point out every part of this very extraordinary letter, wherein the King and his government are treated with contempt and disrespect. We have only selected a few of the most striking; your own discernment (if your Honor has condescended to read the letter) must have discovered the many others with which it abounds.

The fifth paragraph of the answer is, "that the Judges have extrajudicially declared, Mr. Justice Drayton to be the author of "Freeman's" letter, and have made this important determination without any legal evidence against him. Before we proceed in this paragraph, we shall stop a moment only to observe, that whatever declaration we have made on the subject certainly was extrajudicial. Judicial it could not be for two reasons: First—because the matter never did nor indeed ever can, come before us in our judicial capacities, and (secondly) if it had the rule of Law, "*ad Questionem facti non respondent iudices*," would have restrained us from making any such judicial declaration—but we have declared or determined him to be the author without any legal evidence. It is certainly true, sir, we have in our minds determined him to be the author, and we have declared to your Honor that from the note in page six there is no room to doubt of it, and we expect your Honor will be of the same opinion. For, though Mr. Justice Drayton goes on to tell your Honor, that Lord Chief Baron Gilbert, and all other good law writers, declare this species of evidence, unconnected with better, cannot operate against him in any Court of Law in the King's Dominions, we must beg leave to put him in mind of a circumstance, he seems to have totally forgot throughout his whole answer, which is, that he is not now in a Court of Law; superficial readers who lightly skim upon the surface only, will often fall into mistakes of this

nature, but the student who reads with attention, will go to the bottom, will consider every circumstance, and will not apply particular Rules to general purposes, nor extend them further than the subject matter his author treats of. If we should ever meet Mr. Justice Drayton upon this question in a Court of Law, we shall not pretend to dispute my Lord Chief Baron Gilbert's authority, in regard to evidence—but in the present case, we apprehend your Honor is by no means restrained by the strict rules of evidence in Courts of Law. It is the King's prerogative both to retain and discharge such servants, as he thinks proper, nor is he ever bound to give his reasons for so doing. You, sir, are now to exercise that prerogative, which the King has delegated to you, as Governor of this, his, Province; and we humbly apprehend, that a thorough conviction in your own mind, that Mr. Justice Drayton is the author of the publication in question, is all the evidence that is requisite, or that your Honor will look for.

The sixth paragraph of the answer sets forth "that we have moved your Honor for punishment against him, in the last resort, before we have legally ascertained that he has been guilty of any offence." But, sir, we have only represented to your Honor, that the publication in question contains indecent reflections on the King and his Judges, and we have set forth what we conceive to be the tendency of these reflections, but we have moved for no punishment against Mr. Justice Drayton or any other particular man. It is true, we have told your Honor, that we alledge and do believe (for the reason contained in the Remonstrance) that he is the author of the publication, and we conclude with submitting it to your Honor, whether a man capable of such a publication, is a proper person to serve his Majesty.

The honorable gentleman comes now to form his defence in point of law, but as this law defence is nothing more than a repetition of what he had before set forth, and as we apprehend we have minutely considered, and fully refuted all he has said upon the subject, we shall now hasten to release your Honor from this disagreeable business.

But before we conclude, we must request your Honor's attention to the last paragraph but one of the answer. The honorable gentleman at first joins issue with us on the subject of the Remonstrance; then enters into a long defence, and when he has concluded that, he has the honor of forming a very learned and elaborate defence in point of law—that being finished—he concludes with a plea to the Jurisdiction of the Court! this is really new, and is an inversion of all the rules of law pleadings; for a plea to the jurisdiction, being a dilatory plea, is to be first pleaded, nothing more is incumbent on the defendant, until the

truth or merits of his plea are determined by the Court; and if the plea is held to be good, the plaintiff and his cause are dismissed from that jurisdiction; but if the plea is over ruled, the judgment of the Court is, that the defendant *respondeat ouster*, or shall put in a better plea, so the honorable gentleman has ended where he should have begun! and unfortunately by beginning in the wrong place, and putting in an issuable plea, he has in fact admitted your Honor's power, and precluded himself from pleading to the jurisdiction, however *valeat quantum valere potest*; let the honorable gentleman make the most of it, your Honor will hardly give up the King's prerogative to such a special pleader.

Upon the whole, sir, we humbly apprehend, that Mr. Justice Drayton's answer to the Remonstrance, is altogether insufficient, and that your Honor has sufficient evidence to induce you to believe him to be the author of "Freeman's" letter. We also apprehend, that the said letter is a false libel upon his Majesty and his government, and that the inferences contained in the Remonstrance, and in this reply, are fairly deducible from it; all which we humbly submit to your Honor's wisdom and judgment, and as in our Remonstrance, we again submit it to your Honor, whether a man capable of such a publication, is a proper person to serve his Majesty.

THOMAS KNOX GORDON,  
CHARLES MATHEWS COSSLETT.

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#### THE REJOINDER INTENDED TO HAVE BEEN DELIVERED.

[MSS. of W. H. Drayton.]

MAY IT PLEASE YOUR HONOR:—Standing here, I feel myself agitated by various inclinations; they operate upon each other, and give me no small degree of pain lest my present conduct should be in any degree improper. I wish to address your Honor with that profound respect which is due to your public character—that veneration which our consanguinity demands from me; yet I wish to address your Honor with that free scope of argument which this extraordinary case requires, and that just degree of animadversion which the conduct of the Remonstrants deserves from my mouth. In this latter respect, I mean to be severe, within the bounds of propriety; yet, I confess, I feel some inclination to approach its uttermost limits.

I well know the nicer sensations of delicacy are apt to take alarm at circumstances by which it may be thought a Judge may be apt to be



biassed; and, therefore, to avoid any imputation of an undue bias, a Judge is sometimes apt to bear harder against those circumstances than strict justice may require—*incidit in scyllam capiens vitare Charybdim*. Hence, considering your Honor's station; that my accusers are Judges nominated by the King; and that I have the honor to be your nephew; I am aware your delicacy is already upon the watch—it is even listening—to protect the King's servants, as they style themselves, from the severity of your kinsman. But, sir, conspicuous as you are for your delicacy, you are not less so for your justice; and, fearful as I may be of the effects of the former, I feel myself reassured from my knowledge of the latter. I have a confidence that your Honor will allow me to speak with that boldness with which a free American has a just title to express himself; that boldness which the times and the occasion loudly demand.

The Remonstrance, the answer, and the reply, having been just read, I will concisely touch upon some parts of each, that by collecting the arguments into one point, they may the easier penetrate the mind; and, although, by advice of Council, your Honor did, on the ninth of December, issue a supersedeas to my commission as a Judge, in order that the King's appointment of a Judge, in the room of Mr. Murray, deceased, might have full effect, yet, as this hearing might have been had before the issuing the supersedeas, but that the Chief Justice was at that critical juncture—that very day taken ill with the gout—as the Remonstrance was calculated to effect my suspension, and as it might possibly have had such an effect, had not Mr. Gregory arrived here so soon as he did; so I shall speak as if the suspension was still the object of the Remonstrance. At once, that the Chief Justice may derive no advantage from his critical illness; that the argument may be preserved upon its original foot; and that I thereby may the more clearly demonstrate the complaint contained in the Remonstrance was unconstitutionally laid before your Honor; and that the Remonstrance was ineffectual, on any principles of reason, law, or the Constitution, to accomplish the end it had in view.

In order to sound the depth and to ascertain the force of the oppressive torrent, flowing from the pens of the Remonstrants, I beg leave to begin, at the source of the stream—the title of their complaint. And there, your Honor is told that, it is “the Remonstrance,” of a “Chief Justice,” and of “one of the Justices of the Common Pleas.” It is to be presumed, these Judges conceived such titles would naturally give the greatest weight to their complaint; first, as the complainants were, in such important stations in this colony—and secondly, as that, the

matter of the complaint, having been collected, canvassed and digested, by Judges sent from England, therefore, presumable to be learned in the law; your Honor should, at once, be of opinion that, what they stated as criminal, was so; what they stated as sufficient evidence, was legally so; what they submitted to your Honor's serious consideration and determination, were points upon which, you could legally consider, and constitutionally determine; and that the suspension to which they alluded, was constitutionally proper to be made for the causes assigned by them. All this appears from the title of the Remonstrance, even at the first blush. Hence, to take off any unmerited impression which, such titles might make upon your Honor, to my prejudice, in my answer, by a series of facts stated, I demonstrated those Judges were ignorant of the law, and that, you ought not to place any confidence in their opinions. I stated that, Mr. Chief Justice had formerly, though but lately, complained against the Honorable Mr. Lowndes, terming his conduct, as a Judge, "strange, improper, and unconstitutional;" and that, notwithstanding the opinion of the learned Chief Justice, the Governor dismissed the complaint. I stated, the Chief Justice's declaration in the Court of Chancery, that the Governor there had two voices; and as a point of law, affirmed the Chief Justices at Westminster, had two voices upon every question, and their associates but one. I stated, the Chief Justice's practice of hearing arguments in Court, and deciding upon the question, by opinions extrajudicially formed, and taken from his pocket. His presiding in a cause, to which he had given rise!—a cause which he had counselled to be defended!—a cause in which he was interested in pecuniary consequence!—let me now add that, it was a cause in which he was personally interested in dignity, rank, and power!—a cause which he would not permit to be argued upon the ground on which he intended to pronounce and did give judgement!—in short, sir, it was a cause in which he could not have taken the oath *voir dire*, I mean sir, with a clear conscience, had he been called upon only as an evidence. To see a man thus interested, and publicly partial—to see such a man, even attempt to preside in such a cause—common sense and modesty is shocked; but, to hear such a man decide in such a cause—reason, integrity, justice, seem fled from among us! And such were the facts I stated to your Honor, solely relative to the Chief Justice, among many others which I could have particularized; in the same manner I pointed out Mr. Justice Cosslett's knowledge of the law by shewing that, he charged a Jury that, the Act of Limitation did not bar the plaintiff, because he did not at such a time, know where to find the property in litigation.



To such particulars the Judges reply, they cannot "trespass upon your Honor's time by staying to refute the many errors, mistakes, and misrepresentations in the first ten pages" of my answer, which they politely term "abusive pages." But, sir! is this a proper reply to—a confutation of those pages—a demonstration that they are abusive, and that they contain errors, mistakes and misrepresentations? Sir! those pages contained heavy charges against those Judges; they stated their official conduct—only a small part of their misconduct, sir!—the place and date of each!—and, with submission, I think it was incumbent on those Judges, to have endeavored at least to have pointed out some of those "many errors, mistakes, and misrepresentations." But, from their neglect to do so, and their hurry to quit the subject—an inference is to be drawn, which is too obvious to leave room for me to point out. What if I should tell your Honor that, after full consultation, study, and deliberation, the Chief Justice construed the Circuit Court Act so as to defeat one of the main purposes of it; that the bar remonstrated to him on the occasion; that he then admitted an opposite construction, by which he lost £300 sterling per annum of his emoluments. What if I should tell your Honor these Judges never lose an opportunity of throwing difficulties in the way of the execution of that Act? Without doubt, these Judges will say, these also are errors, mistakes, and misrepresentations; they are nevertheless facts, and the bar bear witness of them.

But, in the reply, the Judges say they had "only humbly represented." I beg leave to observe to your Honor, to the end they may understand, that as what they represented was by an instrument they styled a Remonstrance; so that word signifies a very strong representation that Freeman's letter represents them "as men totally unfit for the offices they hold;" that in it "they are directly charged with having judicially determined a point contrary to law and justice; and that, not from ignorance, but from a wicked and corrupt motive, to render themselves agreeable to the Crown, thereby wickedly insinuating that our most gracious Sovereign has an interest distinct from that of his people, and would wish his Judges to increase his power, at the expence of his subjects' rights." By this extract from the Remonstrance, I understood the insinuation in the latter part of it was an inference which the Judges had drawn from the passages in the foregoing part, and that they had extracted those passages from Freeman's letter. I accordingly perused that letter with attention. I could not find either of those passages in it. In my answer, I say the "passages" represented by the Judges to be in "that letter, I have not been able to

find in it ;” yet the Judges, in their reply, again quoting the passage, “as men totally unfit for the offices we hold,” declare it is to be found in the nineteenth and twentieth pages of Freeman’s letter. Hence, thinking I had negligently perused those pages, I have again read over every word contained in them. I cannot even find any insinuation that they are “men totally unfit for the offices they hold ;” and I am persuaded the author of Freeman’s letter could not have had any such idea—because it is known these Judges can read, though I would not swear they understood, English. And, I do verily believe, their apprehensions alone formed such a passage in Freeman’s letter—conscious that they are “unfit for the offices they hold.”

But, after all, sir, perhaps the Judges mean some other letter from some other Freeman to the Congress ; for it is worthy of observation that, the Judges have not yet identified any letter from any Freeman—they did not annex any letter to their Remonstrance, as they ought to have done from motives of but common place regularity in their proceedings—they knew not whether you had ever seen any letter from any Freeman to the Congress—in their reply, they make a matter of doubt of it—they even now do not know that you have seen any such letter. Yet, these Judges tell you that “your Honor has sufficient evidence to induce you to believe him” meaning myself, “to be the author of Freeman’s letter ;” and that this evidence is taken “from the note in page six” of Freeman’s letter ; but, may it please your Honor, they never dreamed of furnishing you with such a letter—they, no doubt, expected that you would politely dispatch your servants from street to lane—from alley to court, throughout the town ; to buy, borrow, or pick up the only evidence upon which the learned and truly methodical Judges grounded their famous Remonstrance ! In short, it is highly presumable, the letter which I have seen, is not the same with that from which they have quoted ; since I cannot find in the nineteenth and twentieth pages of the letter which I have, any such passage as that which they declare is to be found in those pages, in the letter which they mean. And still quoting from their letter, they extract this passage : “or make him shake from his purpose, when perhaps, those rights can be maintained only by a temporal suspension of the rules of Constitutional proceedings ;” but sir, there is no such passage in the Freeman’s letter which I have seen. It is true, there is one something similar, because, most of those words are in it ; but having the word “shrink” instead of “shake,” and “temporary” instead of “temporal,” the sense is utterly different. Thus, it is clear, the Judges and myself mean different letters under the same title—or, they meant to quote

fraudulently, to shew off Freeman as a nonsensical and ungrammatical writer—or they unwittingly blundered. If the first, they were inexcessably careless; if the second, they were absurdly dishonest; if the third, it is a mark of their folly. To which of these cases to impute their quotation, I cannot readily determine; charity induces me to impute it to their folly.

But, Freeman deplored the present practice of appointing to the "Council, more strangers from England, than men of rank in the Colony!—Counsellors, because they are sent over to fill offices!" This true state of affairs, and this day, so far bears witness of the truth, that, there is not a Counsellor now at the table, but, who took his seat there, because of the office he holds; I say, this true state of affairs, the Judges term, "contemptuous treatment of Majesty!" by which, they say, "the King is pretty severely censured for exercising his undoubted right of appointing such Counsellors, as he thinks will give the honestest advice, and best assistance to his different Governors." To this, I must beg leave to observe that, if the King thinks such Counsellors give the honestest advice, and best assistance to his different Governors, he certainly does a very great injury to the colonists, both in and out of Council. And in our Council books, names of Americans—Carolinians, sir! can be pointed out, who, without any disparagement of the officed Councillors present, even adding the Chief Justice to them, at least are equal to them, in point of integrity, knowledge, and ability. The position laid down by the Judges, only serves to manifest the contempt in which they hold the Colonists.

But, Freeman, treating of the Quebec Bill, asked, "What greater power has the Sovereign at Constantinople over a Province in the East, than the Sovereign at London now has over a Province in the West?" At this the Judges exclaim, "can any thing be more contemptuous, both to the King and to his people!—to liken a Prince who has ever made the rules of the Constitution the measure of his government—to liken such a Prince, to the despotic Monarch of the Turkish Empire, is such an insult as language cannot furnish terms sufficiently strong to express it by." The Judges having thus roundly censured Freeman's question; what stricture will they pass upon the declaration in Congress to the same purpose on the 26th of last October? The deputies then declared to the people of Quebec that in "the code lately offered" to them, "the substance of the whole, divested of its smooth words, is—that the crown and its Ministers shall be as absolute throughout" their "extended Province, as the despots of Asia or Africa." But Freeman is but a single person, and hence the Judges' zealous exclamation!

Indeed, sir, it is but a mere group of words—allow me to sift them by the means of a few syllogisms.

It is an inexpressible insult to the King, to liken him to a despotic Monarch. Because,

The Judges say, the King “has ever made the Rules of the Constitution the measure of his Government:”

The despotic monarchs Vespasian, Titus, and Trajan, I say, ever made the rules of their Constitution, the measure of their Government: therefore it is an insult to the King, “to liken” him to a despotic Monarch!

Again. The despotic Monarchy of the Turkish Empire, has produced Princes, who governed according to the rules of their Constitution; and have been ranked among the most renowned Sovereigns in Europe:

The King “has ever made the rules of the Constitution the measure of his government;” therefore, it is an insult to the King, to compare him to a Turkish Sovereign!

But, again. By the laws of Turkey, the Sultan is absolute over the Provinces in the East:

By the Act of Parliament, the King is absolute over a Province in the West:

By the rules of their respective Constitutions, each Sovereign thinks, he acquired these absolute powers: therefore it is an inexpressible insult to the King, to liken him to the despotic Monarch of the Turkish Empire!”

This is excellent logic, sir! the insult to the King, is pointed out in a truly inexpressible manner; for in the Judges own words, it “is such an insult as, language cannot furnish terms sufficiently strong” (that is, clear) “to express it by.” However, the Judges say, “every loyal British heart, though wounded by the calumny, will vindicate our Sovereign from the foul aspersion.” Of this task, these Judges have very prudently exonerated themselves—their hearts, your Honor knows, are Irish. I only mention this to shew how prone these Judges are to expose themselves to ridicule.

But, the reply says, your Honor does not want the aid of a Jury to determine upon the conduct of the King’s servants; or to inform you when it is proper or improper to dismiss them from their royal master’s service.” “Would Mr. Justice Drayton think it necessary before he discharged a bad servant, to have the verdict of a Jury for so doing?” To this, with all due submission, in point of law I rejoin that, your Honor cannot legally determine upon my conduct—charged with having written a libel, but, by “the aid of a Jury”—for I am a Freeman. Your Honor’s power over me is circumscribed by the law; and, so far

are you from having lawful power, as yet, to determine upon my conduct in this instance; that, if your Honor was but to say that, I have written a libel—you would, in point of law, be exposed to an action at law. But the question put, relative to my servant, is no less futile than it is indecent, to compare a Judge under the English law, to a Carolina slave. My servants, sir, are my slaves; and, I, therefore, can legally determine upon their conduct, in all cases, without the aid of a jury; for, our law has not even an idea of determining upon the conduct of a slave, by a trial by jury. However, these upright Judges attempt to teach your Honor, that the King has as much power to determine upon my conduct as I have to determine upon the conduct of my slave. They liken a Judge in this country to a slave—they being Judges during pleasure, profess that the King is their “Master.” A title! of the most alarming nature, to the good people of this colony. A title! by which the King is not known in our law. A title! of mere mockery to his Majesty. A title! which, demonstrating that, these Judges are prone to a servile adulation—reflects the utmost infamy upon them.

So he, who poverty with horror views,  
Who sells his freedom in exchange for gold,  
(Freedom for mines of wealth too cheaply sold)  
Shall make eternal servitude his fate,  
And feel a haughty master's galling weight.

But the reply says “the third clause of his answer is that, a jury only can legally determine, whether the reflections contained in the publication, have a direct tendency, to raise groundless fears in the minds of his majesty's subjects. Our reply is, that, should an action be brought against him, to punish him for the crime of libelling, it would be the province of a jury to ascertain that point.” Does your Honor observe how pointed this reply is! How close it runs with my answer! It runs so close that, there is not any disagreement between them, however close the reply is, and however drawn to a point. It puts me in mind, of a familiar dialogue in *Tristram Shandy*. Mr. and Mrs. Shandy, in a bed of Justice, were talking of putting Tristram into breeches; and the old gentleman “pressing the point home to her,”

“They should be of leather, said my father,  
They will last him, said mother, the longest.  
’Twere better to have them of fustian, quoth my father,  
Nothing can be better quoth my mother.  
Except dimity,—replied my father,  
’Tis best of all,—replied my mother.”



In short, nothing equals the smartness and importance of this reply by the Judges, but their astonishing quickness of thought, and deep penetration in finding out, and their sagacity in thinking it necessary to observe to your Honor that, an "opinion hazarded," is "somewhat hazardous."

But, "who that has any real regard to his country! who that has the smallest particle of affection or respect for his Sovereign, would as Freeman does in his first pages, compare the present time with the reign of Charles the First? There is not the most distant similitude between the two periods." To this I reply, may it please your Honor, there is a very striking similitude; and, although, I shall demonstrate this, from facts delivered down by history and recent facts known throughout North America; I shall not be apprehensive that in thus proving Freeman's position, to be a just description of the present time, that, I shall betray a want of regard to my country, or affection and respect to the King.

Freeman alludes to the grievances under which the people of England labored about the year 1628. The historian, Hume, declares these were "illegal taxes," "violation of property," and "billeting soldiers."

Your Honor knows that America now resounds with the groans of the people, that at this time they labor under the same grievances; need I tell your Honor, that by the Tea Act, the Americans complain of illegal taxation; by the blockade of Boston, of violation of their property; by the act for providing quarters for his Majesty's troops in America, of billeting soldiers contrary to law?

In the year 1628, the people of England declared such things were illegal, because done without the consent of their Representatives of their own election in Parliament.

At this time the people of America, declare such things applied to them are illegal, because done by a Parliament in which they have not any Representation of their own election—or, in the same terms with the people of England, because done without the consent of their Representatives of their own election in Parliament.

Is not the similitude between the two periods, close and striking, notwithstanding the learned declarations by the Judges—"there is not the most distant similitude!"—Henceforth, can there be any confidence in their knowledge, or integrity! But let us proceed in investigating a further similitude.

From the historian, Hume, Freeman said, that in England in the year 1623, "there was reason to apprehend some insurrection from the discontents which prevailed;" and that, in America, the present period



is, "a time threatening, not insurrection from discontents, but—a civil war from despair." To this the Judges say, "the present unhappy discontents," in America, cannot "be, with any degree of truth, compared to those" during "the reign of the unhappy Charles!" From this I comprehend, that the times then, to which Freeman alluded, were horrible in comparison of the present—but I mean to demonstrate the reverse; and this will be self-evident, when I shall have proved that the present is a time threatening civil war in America. To this purpose allow me to lay before your Honor some extracts from American State papers. On the 24th of May last, the Burgesses of Virginia declared that the Boston Port Bill threatened "the evils of civil war."

On the sixth day of September last, the whole people of the county of Suffolk, in the colony of Massachusetts Bay, "Resolved, That the fortifications begun and now carrying on upon Boston Neck, are justly alarming to this county, and give us reason to apprehend some hostile intention against that town, more especially as, the Commander-in-Chief has, in a very extraordinary manner, removed the powder from the Magazine of Charles Town; and has also forbidden the Keeper of the Magazine at Boston, to deliver out to the owners, the powder which they had lodged in the said Magazine."

In answer to the address of the Selectmen of Boston, General Gage, on the ninth of September, replied, "When you lately applied to me, respecting my ordering some cannon to be placed at the entrance of this town, which you termed the erecting a fortress, I so fully expressed my sentiments, that, I thought you were satisfied, the people had nothing to fear from that measure, as no use would be made thereof, unless their hostile proceedings should make it necessary."

To the address of the people of Suffolk, the General on the 12th of September, replies, "I would ask what occasion there is for such numbers going armed, in and out of the town, and through the country, in an hostile manner? or, why were the guns removed, privately in the night, from the battery of Charles Town."

Hence, we see the King's General declare, that he apprehends hostilities from the people—the King's subjects! The General, therefore, fortifies advantageous posts—we know he collected troops from all the colonies—he seizes the powder at Charles Town; nay, his fear of a civil war is so lively, that he violates private property, laying his armed hands upon all the powder in the Boston Magazine. On the other part, the people of Massachusetts Bay refuse obedience to the British laws; and frustrate their operation by their insurrections. Juries will not serve under them. Counsellors will not act under them. The Gover-

nor dares not allow the new modelled legislature to meet. The people declare they apprehend hostilities from the King's General; they therefore in great numbers go armed, in and out of the town of Boston, and through the country in an hostile manner—they seize cannon where they can find them—we know they daily train themselves to arms—we know they lay hold of the public taxes. We know, sir, the General has declared that the people have assumed the powers of Government independently of and repugnant to his Majesty's Government. And, to shew that all America are parties to, and approve their conduct, need I tell your Honor of the Resolution of the late Congress of all America from Nova Scotia to Georgia! "that they do approve of the opposition made by the inhabitants of Massachusetts Bay, to the execution of the late Acts of Parliament; and, if the same shall be attempted to be carried into execution by force, in such case, all America ought to support them in their opposition!"

Does not all this demonstrate that, in the language of Freeman, the present is "a time threatening civil war?" Is it not a truth, that, affairs in America, are tending to a state of utter distraction—speedily to display the horrors of civil war! It is a melancholy truth, that our times wear all those appearances prognosticating civil war, which ever ushered in any civil war; yet our Judges prefer the present time, to that about the year 1628—and they complete their characters, by declaring "there is not the most distant similitude between the two periods!"

But, "had Mr. Justice Drayton, sir, attended to the manifest distinction between an action instituted against an offender in a Court of Law, in order to bring him to punishment for his crime, and a complaint made to his Master, representing him as unfit to be continued longer in his service;" "he would have seen your Honor's power over him, without the intervention of a jury."

There is no doubt, sir, but that your Honor has power, legally, to dismiss me by your free motion; but, when it has been remonstrated to you, by two of the King's Judges, that I have written a libel against them, in that case, I do aver, in point of law, that your Honor cannot dismiss me upon a determination by your Honor that I did write the libel; for the doing of which only the Judges represented me "as unfit to be continued longer in the office of a Judge." Seeing that by the law of the land you cannot pass upon me but by due process of law; and I believe these Judges will scarcely be so mad as now to contend that the points whether or not I wrote the publication they lay to my charge, and whether or not it is a libel are now in a train of investigation

by due process of law. That I am the author of the publication, they, as Judges, say, "from the note in page 6 there is no room to doubt of it, and we expect your Honor will be of the same opinion." Very constitutional doctrine, indeed! If such evidence only, and no other, has been offered to your Honor, is sufficient to condemn a man, and upon a criminal accusation too, surely my Lord Coke would never have exclaimed, *difficillimum est invenire authorem infamatoriæ scripturæ* ;\* for a writer of a libel had nothing more to do than, in some part of it, to insert another man's name, intimating such man to be the author. Thus the libeller would, not only most easily escape punishment, but he might draw down ruin upon the head of his enemy, thus liable to be condemned upon the most frivolous evidence. When the blasphemous notes on the Essay on Woman, were by the real author, ascribed to the Bishop of Gloucester, did any body dream of making use of such evidence to prove, that the Bishop was the author of notes? But, with these things, these Judges are utterly unacquainted, otherwise, weak as I hold them to be, I can scarcely suppose they would have been so weak, as to have offered a note in a publication, which they term a libel, to prove to your Honor, and that so clearly, too, as to leave "no room to doubt" that I am the author of it. Here two reflections press upon me; allow me to lay them before your Honor.

When we consider, that these Judges knew the publication was "a libel against his Majesty, his Government, his Ministers, and his Parliament"—a publication in a style, as they declare, "sounding the Trumpet of Rebellion;" considering they had in their own hands, such evidence as left "no room to doubt" that I am the author of that publication; considering their self-declared zeal for the King; I say, considering these things, if I may hazard an opinion, is it not somewhat surprising, that these "loyal" Judges, "though wounded by the calumny," yet that they did not take any step to "vindicate our Sovereign from the foul aspersion!" Is it not a little strange, that they did not, *ex officio*, order a prosecution against me, rather than plan a Remonstrance to your Honor! Aye, sir! and to shew that they were "fit for the offices" they "hold"—rather have ordered a prosecution against the printer! Is not an omission of any step of this sort, a gross failure of their duty to their "royal master!" I say, sir! it is a failure of their duty as Judges. They could feel for themselves—they could complain to your Honor of imagined injuries—they could talk of instituting "a suit against" me "for damages;" but, may it please your

Honor, in the midst of their personal cares, they lost their attention to the King's business—they forgot, or they designedly neglected to punish him whom they declare has libelled the King—they took no step to “vindicate our Sovereign from the foul aspersion!” Their zeal for the King, burst forth indeed, and it was a joint effort; but it was *Vox et præterea nihil!*

Having thus arraigned and tried these Judges, I now draw to the conclusion of the scene, to pronounce the law upon their conduct.

As a barrier against the oppressive steps of the Remonstrants, and in opposition to their crude dictums, I place the laws of our country. I shall state two points of law to your Honor—either of which, with all due submission I say it, must be fatal to their proceedings.

Your Honor will be pleased to observe, that the special matter, or complaint contained in the Remonstrance is, that Freeman's letter to the Deputies is “highly injurious to your Remonstrants” by representations therein set forth. To this special matter I formed an answer, to which they put in a reply stating new matter of complaint against me. To shew that I have not the smallest particle of affection or respect for the King, they say, Freeman compares “the present time with the reign of Charles the First.” To shew my contempt “both for the King and his people,” they say, Freeman likens the King, to the “Monarch of the Turkish Empire.” No part of this special matter appears in the Remonstrance. However, I am not surprised that such positions, among many others which are similar, appear in the replication. In stating such things, I will charitably suppose, it may be probable, the Judges thought, they did right; but, sir, Mr. Justice Blackstone declares such a proceeding is wrong. Treating of pleading, he says “it must be carefully observed not to depart, or vary from the title or defence, which the party has once insisted on. For this, which is called a departure in pleading, might occasion endless altercation. Therefore, the replication must support the Declaration without departing out of it.” Thus, sir, it appears, that the Judges in stating new matter in the reply, have made a departure in pleading; and I now beg leave to lay before your Honor, the law upon that point.

It is laid down 36 Henry 6: 30. “If the Plaintiff, in his suit departs against the party, he shall abate his own writ.” Such being the law, upon a departure in pleading, I am now to demonstrate, that it is applicable to the present case. The Remonstrance, is the writ or declaration, stating the complaint; and the replication must support the Remonstrance, without departing out of it; but the judges, who in this case are the Plaintiffs, having in their suit departed against the party,



by consequence in point of law, they "shall abate" their Remonstrance, which in the present case, is in place of their "own writ."

It is true, the Judges in their reply, tell your Honor, that "was this a prosecution in a Court of law," in point of law, I "would be right;" but that my law is not applicable to the present prosecution; yet I trust your Honor will remember, this latter part, is in effect, contradicted, retracted and destroyed in the latter part of their reply. There, indeed they make a faint attempt to ridicule me, little imagining, that I should be able to turn that very ridicule against themselves; but I shall now precipitate them into their own pit.

In my answer, may it please your Honor, in general terms, I submitted to you, that, "in this case," "the laws and constitution, have not vested in your Honor, an original jurisdiction" "so as to hear, Judge, and finally determine the merits of the Remonstrance;" and under such an idea, I confess, I did not think myself bound to observe any particular rule, by which I should form my answer. On this ground, the Judges, in the latter part of their reply, in ridicule, call me "a special pleader." They say, my method "is new, and is an inversion of all the rules of law pleadings." And they tell your Honor the form of proceedings before you in the present case, ought not to be exactly the same, as in a Court of law; for they, in express terms, lay down the method of pleading, which I should have observed. Hence, I form this conclusion, in which, I think your Honor cannot differ with me. As the Judges have declared and pointed out, that the method of pleading before your Honor ought to be the same, as that which is used in a Court of Law; so they cannot, at least with any shadow of decency, object to the pleadings before your Honor, on their part, being regulated by those rules, which regulate pleadings in a Court of Law. Thus, I do most humbly submit to your Honor, that the learned and able Judges have made a departure in pleading, and therefore, they have abated their Remonstrance. In the language of the reply "the student who reads with attention, will go to the bottom," and "will consider every circumstance;" we are yet to know that the Judges ever were such students.

But, may it please your Honor! I do not wish to press the point, touching the abatement of the Remonstrance. I feel some compassion for the Judges—I will not grasp at every opportunity, to cover them with ridicule. I, therefore, proceed to the second point of law, which I purposed to state to your Honor.

The Remonstrance describes Freeman's letter to be a libel—it declares I am "the author of it," and, therefore, it submits to your Honor,

whether I am “a proper person to serve” “in the office of a Judge.” In my answer, I stated, that your Honor had not legal power “to hear, judge and finally determine the merits of the Remonstrance.” And in their reply, the Judges say, that Freeman’s letter “is according to every legal idea, a libel against his Majesty, his Government, his Ministers, and his Parliament, we humbly submit to your Honor’s wisdom and judgment.” But sir! although, to use the language of the Remonstrance, the King’s Judges are willing “to increase his power, at the expense of his subject’s rights;” and thus, as an offering of sweet savor, to the prerogative to sacrifice the trial by Jury, “the best preservative of English liberty,” as Mr. Blackstone terms it; yet, sir! the laws of the land have not, as yet, submitted it “to your Honor’s wisdom,” legally to give “judgment,” that Freeman’s letter is a libel, and that I wrote it. Such were the two points to be legally established, before any consideration could be had upon the third point—the suspension to which the Judges alluded. Hence, if I shew to your Honor, that you cannot constitutionally take cognizance of the first two points, it will then naturally follow, that the third cannot be a point for your consideration, in consequence of the Remonstrance. And that your Honor cannot legally determine upon the first two points, allow me to shew from the authority of the 29th Chapter of Magna Charta.

“No one shall be taken, or imprisoned, or deprived of his freehold, or liberties, or free customs, or be outlawed, or banished his country, or in any sort destroyed; nor will we pass upon him, or condemn him unless by lawful judgment of his Peers, or according to the law of the land.”

Upon parts of this Statute, allow me also to lay before your Honor, my Lord Coke’s reading.

Or outlawed.—“Put out of the law—or deprived of the benefit of the law.” And shall I enjoy the benefit of this law, if upon an accusation against me of a criminal nature, your Honor shall “pass upon” me independently of a trial by jury?

Or in any sort destroyed.—Suffer “by any manner of means tending to destruction, and every oppression against law, is a kind of destruction.”

Or, according to the law of the land.—“Due process of law.” And if your Honor should now “pass” upon the question, whether I am guilty of the charges against me, which appear in the Remonstrance, would your Honor in doing so, pass upon me by due process of law?

I most humbly apprehend, no; and I trust your Honor has too much learning, too much virtue, too great veneration for the sovereign laws of your country, to be induced to violate *the great charter of our lib-*



*erties.* That charter speaks in the person of the sovereign; you, sir, have the honor to represent the sovereign; therefore, in the words of the charter, I am confident you will not “pass upon” me, “unless by lawful judgment of” my “peers, or according to the law of the land.”

Upon the whole, may it please your Honor, Magna Charta, thus securing to the subject a trial by jury, I cannot entertain an idea that your Honor will take any step to judge, in the present case, independently of a trial by jury. The learned Blackstone says, “every new tribunal erected for the decision of facts, without the intervention of a jury, is a step towards establishing aristocracy, the most oppressive of absolute governments.” The learned Judge proceeds, and I need not press the doctrine upon your Honor: “It is, therefore, a duty which every man owes to his country, his friends, his posterity, and himself, to maintain, to the utmost of his power, this valuable constitution in all its rights; to restore it to its ancient dignity, if at all impaired; to amend it whenever it is defective; and, above all, to guard, with the most jealous circumspection, against the introduction of new and arbitrary methods of trial, which, under a variety of plausible pretences, may, in time, imperceptibly undermine this best preservative of English liberty.”

Upon such principles of law, I do most humbly submit to your Honor that the present prosecution, carried on by the remonstrating Judges, tends to establish a “tribunal for the decision of facts without the intervention of a jury; that such a daring attempt “is a step towards establishing” among us “aristocracy, the most oppressive of absolute governments;” that therefore, the conduct of these Judges ought to be watched “with the most jealous circumspection;” and that their Remonstrance ought to be dismissed as being calculated insidiously to undermine the trial by jury—the Palladium of American liberty.

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CHARLES TOWN, S. C., Monday, Feb. 13, 1775.

This day his Majesty’s Council, consisting of three Placemen, presented the following Address to his Honor the Lieutenant-Governor.

*To the Honorable William Bull, Esq., Lieutenant-Governor and Commander-in-Chief, in and over his Majesty’s Province of South Carolina :*

MAY IT PLEASE YOUR HONOR :—His Majesty’s dutiful and faithful subjects, the Council of this Province met in General Assembly, with reluctance approach your Honor on a subject of so disagreeable a nature

as a complaint against one of their Members, the Honorable William Henry Drayton, Esq.

Although the general tenor of Mr. Drayton's conduct for a considerable time past would not only have justified, but seemed to call for a representation from this House, to your Honor; yet anxious to avoid every measure which might appear to have a tendency to infringe upon the rights of an individual, or the privileges of a Member, we have hitherto delayed to lay before your Honor our just cause of complaint, and have submitted to many insults and indignities offered to individual Members, as well as outrageous breaches of privilege committed against this House.

But as we are now thoroughly convinced that Mr. Drayton's conduct has been, and still continues to be influenced by a determined purpose, as far as in him lies, not only to destroy all confidence of the people in this House, and to bring it into contempt, but to subvert the Constitution and unhinge government, to be longer silent would be highly criminal; and we conceive ourselves bound both by principles of duty and affection to his Majesty, and justice to ourselves, humbly to request your Honor will be pleased to suspend the Honorable William Henry Drayton, Esq., from being a Member of his Majesty's Council in this Province.

In the Upper House of Assembly, the 11th day of February, 1775.

By order of the House,

JOHN STUART.

To which his Honor the Lieutenant-Governor, was pleased to give the following answer :

HONORABLE GENTLEMEN :—Before I take any step in consequence of this address, I desire you to lay before me some of the facts upon which your complaint against Mr. William Henry Drayton is founded; and upon due examination thereof, and of his answer, I shall take such measures as are agreeable to justice, and for the service of his Majesty.

WILLIAM BULL.

Feb. 13, 1775.

Before signing the above address, Mr. Drayton claimed leave to enter his protest against it, which is as follows :

Dissentient : Because the Hon. John Stuart, Esq., Superintendent of Indian Affairs, being a Counsellor, not vested with the powers of the ancient twelve, ought not to have any precedence among Counsellors upon that establishment, vested with superior powers; and therefore,

ought not, as eldest Counsellor present, to sign any paper in Council; an act manifesting a possession of superior rank. Mr. Stuart is incapable, as eldest Counsellor, of taking rank as President and Commander-in-Chief of the Colony; and, in my opinion, this incapability and the appointment to the Council in each Colony in which he is Superintendent, obviously demonstrate, that the appointment was calculated to enable him the better to execute the duties of his office, and not intended to authorise him constantly to interfere in the merely domestic Legislative affairs of any such colony, in which, the nature of his office or pleasure should, at any time, make his presence necessary or convenient.

2. Because, I am of opinion, the address having a direct "tendency to infringe upon the rights of an individual," and "the privileges of a Member," is therefore, arbitrary, unparliamentary, destructive of freedom of speech, derogatory to the ancient Dignity of the Council, and a contemptuous insult to the people of this colony.

3. Because, I have just grounds to be assured, the measure will not only "destroy all confidence of the people in this House, and bring it into contempt" (to effect which, the address declares I am with "a determined purpose;" and to prevent which, I even here give evidence that I aim; although the House have been losing that confidence, and have been falling into contempt, in proportion to the increase of Placemen in it, and display of their dependance and abilities), but that it will otherwise be detrimental to his Majesty's real service; inasmuch, as the natives of this colony will be greatly discouraged from serving his Majesty and the public in a Council, from which, they would run the hazard of being suspended, even by the machinations of three members who are Placemen. Indeed, already are natives almost totally discouraged from sitting in Council; and this is manifest when we reflect that there are only eight Counsellors in the Province, of which number, five are not only Crown Officers, but strangers.

4. Because the complaint being only of a general nature, it is to be presumed, nothing in particular could be stated; and therefore, in my opinion, the address must be considered as of a very frivolous nature.

5. Because the address bearing a position inconsistent with matter of fact, it will reflect the utmost infamy upon the Chief-Justice who introduced it; a load which I could wish him to avoid, possessed as I am, with a zealous inclination to promote his Majesty's real service, too liable to be impeded by public odium against an officer acting under a total loss of reputation. The address asserts, that "the general tenor of Mr. Drayton's conduct for a considerable time past" shews that he "has been, and still continues to be influenced by a determined purpose as

far as in him lies," "to subvert the Constitution and unhinge Government;" hence, by not having limited the retrospect, the assertion most strongly insinuates, that my conduct has been of such a dangerous tenor even during several years. But this is an assertion, which not only wantonly, but disrespectfully militates against the truth, evidenced by his Majesty's royal sign manual and Privy Seal on the 27th day of February, 1771; when the King was graciously pleased to declare himself, "well satisfied with the loyalty, integrity and ability of our trusty and well beloved William Henry Drayton, Esq.," meaning myself; and also, by royal letters patent, under the great seal of this Province, so late as the 25th day of January, 1774, declaring my loyalty, integrity and ability, and constituting me to be one of the Assistant Judges of this colony; an office which I possessed until the ninth day of December last, when to make room for a gentlemen sent from England, and regularly called to the bar, I was superceded without the least censure, notwithstanding a most violent complaint by the Chief Justice to his Honor the Lieutenant-Governor, against me, touching an anonymous publication addressed to the late Continental Congress. Which complaint, notwithstanding my most pressing instances, that it should be brought to issue, was on the sixth day of January last, by unanimous advice of a Council composed entirely of Crown Officers, "dismissed without any censure upon any of the parties."

6. Because the address is improper even in its main purpose; for as it charges me with "a determined purpose to subvert the Constitution and unhinge Government," if I am guilty, a suspension is a punishment by no means adequate to the offence. In my opinion as the Chief Justice knew the man possessed of "a determined purpose," so criminal and so dangerous, for him to allow that man to continue uninterrupted by the due course of law, was to betray the trust reposed in him by the King. For the Chief Justice would have demonstrated his duty to the King, and his own knowledge and abilities as a Judge, had he, *ex officio*, ordered a prosecution to bring me to condign punishment, rather than by having planned an address to move the extraordinary powers of Government to inflict a slight punishment. The rule, *nec Deus interit, nisi dignus vindice nodus* is as applicable to the political as it is to the poetical drama. Upon the whole, but for the reasons assigned, I should have been extremely well pleased with the address, because in my opinion it bears honorable testimony of me. The Placemen in Council declare, that I have "a determined purpose to subvert the Constitution;" hence I am confident, the people will be assured that I am really defending it with vigor.

WILLIAM HENRY DRAYTON.



REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, SITTING AS  
AN UPPER HOUSE OF ASSEMBLY, AGAINST WILLIAM HENRY  
DRAYTON.

The Committee to whose consideration the answer of his Honor the Lieutenant-Governor to the address of this House dated the 11th instant, was referred, Report :

That your Committee recommend to the House to lay before his Honor the Lieutenant-Governor, the following instances of Mr. Drayton's conduct, which, amongst many others, in the opinion of the House, have evinced his intentions, as far as in him lay, to destroy all confidence of the people in this House and to bring it into contempt.

That Mr. Drayton by entering captious and frivolous Protests against the proceedings of the House, and therein misstating the arguments used by the Members of the House, and suggesting as reasons for the foundation of the determinations of the House, matters, which though perhaps taken notice of in the debate, have had no influence upon the question, and afterwards causing the same to be printed in the public newspapers, without the leave of the House, has thereby been industriously endeavoring to destroy all confidence of the people in this House and to bring it into contempt.

That Mr. Drayton's enmity and ill-will to a particular Member of this House, has frequently prompted him to throw out very illiberal charges and invectives against that Member, entirely out of the course of order, and in manifest violation of these rules of decency and moderation, which are essentially necessary to be observed by all deliberative assemblies; and that by retailing, without doors, what, upon these occasions has passed in the House, he has endeavored to bring the House into contempt.

That Mr. Drayton not only without doors but in the face of the House, has declared that this House is no Branch of the Legislature, grounding his extraordinary assertion on this extraordinary reason, because his Majesty hath not, hitherto, been pleased to give any answer to the address of this House, dated 11th September, 1773, or to a petition presented to him at the desire of the Commons House of Assembly by Charles Garth, Esq., Agent for this Province, complaining of the conduct of some of the Members of this House for acts done in their Legislative capacity, although your Committee are well assured that his Majesty's Ministers have informed Mr. Garth that he would not be permitted to be heard upon such parts of the said petition as tended to call in question the Legislative authority of this House, and although



Mr. Drayton about eleven months ago, was very instrumental in procuring a Resolution of the House, that the said petition was absurd, false, unparliamentary and unconstitutional, and was a scandalous libel upon the Upper House of Assembly of this Province, tending to destroy the ancient Constitution of this government, and that the said Mr. Garth by presenting the said petition had been guilty of a breach of the privileges of this House and had done what in him lay, to overthrow one of the branches of the Legislature of this colony, and betrayed the trust reposed in him by the General Assembly.

That Mr. Drayton in the face of the House\* avowed himself to be the author of a pamphlet published here, entitled "A Letter from Freeman of South Carolina to the Deputies of North America assembled in the High Court of Congress at Philadelphia," which pamphlet your Committee have annexed to their Report, and recommend, that it be laid before the Lieutenant-Governor and submitted to his Honor's consideration, whether the author thereof is a proper person to be longer continued a Member of his Majesty's Council in this Province.

Your Committee are persuaded from the knowledge they have of his Honor, the Lieutenant-Governor's tender regard for the privileges of this House, that he does not expect the House should lay before him any of those breaches of privileges mentioned in the address as they are subjects of which the House alone is competent to judge.

Nor can your Committee recommend to the House to lay before his Honor, unless he should more particularly desire it, any other facts which induced the House to charge Mr. Drayton with endeavoring to unhinge the Government and subvert the Constitution, because they are facts of so serious and important a nature, that your Committee are of opinion, any discussion or examination of them except in a formal judicial manner, would be very improper, and that it is the less necessary, because they are facts of such public notoriety that your Committee apprehend they cannot be unknown to any intelligent person in Charles Town.

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#### PROTEST.

In the Upper House of Assembly, last Wednesday, the twenty-second of February, upon the question whether the House agreed to the report of the Committee, to whom was referred the answer of his Honor,

\* This was done after the motion for the address, and therefore cannot be one of the facts upon which the address was grounded.

the Lieutenant-Governor, to the address of that House, dated the eleventh instant, desiring the suspension of the Honorable William Henry Drayton, Esq., from being a member of Council, the following protest was made dissentient :

Because, without particularizing the many objections to which the report, in our opinion, is justly liable, it being unparliamentary in almost every line, confining ourselves to state only two objections, we deem these to be of such a nature as even with them alone to justify our disagreeing with the report. In the fourth section, there is a culpableness stated to be in the assertion "that this House is no branch of the Legislature," because "his Majesty hath not hitherto been pleased to give any answer to the address of this House, dated eleventh of September, 1773." Now, as we know this address did most respectfully and earnestly complain to his Majesty of what this House deemed a most dangerous adjudication, that this House was no Upper House of Assembly and branch of the Legislature, and a most dangerous violation of their privilege, by the discharge of a person committed by their warrant for a contempt; so we cannot see any impropriety in the assertion grounded upon such a reason; for we naturally conclude, his Majesty's silence is out of tenderness to this House, unwilling to refuse *totidem verbis*, what he does not think proper to grant; thereby plainly indicating his royal sense of the address, in effect tacitly telling us *Le Roi s'avisera*; the mild mode in which a British Sovereign refuses these Parliamentary applications, which in his royal wisdom he deems improper. For, had his Majesty, counselled by his learned Judges, thought this House an Upper House of Assembly and a branch of the Legislature; we assure ourselves, a Sovereign, as he is, of a "Resolution to withstand every attempt to weaken the supreme authority of this legislature," meaning of Great Britain (a sentiment expressed in the King's late speech in Parliament), would in the course of sixteen months, not only have displayed his design "to withstand every attempt to weaken the legal authority of this legislature" equally the object of his Royal care; but would have taken such Constitutional measures, as might have tended to preserve to this House, their just rights; and to secure them from being exposed to a repetition, of that breach of their privilege, of which they did most humbly complain; and against which they did most earnestly desire his Majesty's support.

2. Because, we are so far from thinking, the author of the "Letter from Freeman of South Carolina to the Deputies of North America," ought to be deemed unworthy of being continued a Member of this House; that on the contrary, we are most firmly of opinion, his dismis-

sion must be considered as a most arbitrary proceeding—a violation of the constitutional rights of the people; and that a seat in this House, upon a tenure of so arbitrary a nature, cannot be worthy the attention of an independent American.

JOHN DRAYTON.

WILLIAM HENRY DRAYTON.

BARNARD ELLIOTT.

MR. DRAYTON TO THE SECRETARY OF STATE, INCLOSING THE PAPERS RELATIVE TO HIS SUSPENSION FROM THE COUNCIL.

[MSS. of W. H. Drayton.]

*To the Secretary of State:*

MY LORD,—It is with equal confidence of the rectitude of my conduct, as it is with the most profound respect, that I beg leave to request your Lordship's attention; nothing disheartened to do so by the cause which brings me into your presence; unfavorably as, at the first impression, it may naturally induce your Lordship to look upon me. The having been suspended from my seat in Council, without doubt gives your Lordship an idea that my conduct has been criminal; and that it is a mark of my being considered as unworthy of serving the King and my country even in a station of no profit and much trouble. It is to endeavor to prevent your being confirmed in this idea my Lord, that I now do myself the honor of addressing your Lordship upon a subject, which, otherwise I should not have agitated beyond the Atlantic.

My Lord, the address for my suspension, was the contrivance of only three Crown Officers in a Council in which I was the only Carolinian; the address was the deliberation but of five minutes. The other Crown Officers acceded to the subsequent Report, and it was in vain, that all the Carolinians opposed a rash measure, which cannot but be fatal to the credit, and, in all probability, to the claim of the Council as a branch of the Legislature. Your Lordship will see that the facts upon which the complaint is founded, and which in my representation to the Governor I have compressed into four articles, respect only my speech, conduct, and proceedings charged as in the Upper House of Assembly.

But my Lord because my protests are said to be "captious and frivolous, misstating the arguments used by the Members;" because I am said to have an "ill will" to a particular member, and to throw out

invectives against him entirely out of the course of order; because I do not think the Council are a branch of our Legislature; because in the House I avowed that I am the author of Freeman's letter; I say my Lord because these things are charged, are they to be considered as undoubted facts; and, unheard, am I to be held guilty! and is it because of either of these four grounds of accusation, or even because of them collectively, that my suspension is to be confirmed? I say my Lord, it does not require any extraordinary degree of comprehension to understand, that a confirmation of my suspension amounts to an express adjudication by the Crown, that the Council are not a branch of our Legislature. For I trust, your Lordship has too much discernment not to see even at a first glance, that the facts upon which the charge is founded, are of such a nature, that if the Council are a branch of our legislature, by privilege of Assembly, these facts must be exempted from the inquisition of the Crown.

I must observe to your Lordship, that the "ill-will" mentioned in the Report, is as from me to the Chief Justice; this, at any rate, is a mere private affair, and demonstrates that good sense was but little concerned in the formation of this stale accusation. But, my Lord, may I not ask, is not the Chief Justice's ill-will to me, much more conspicuous than mine (if it is true that I have any) has been against him? Need I mention his foiled attempt to thrust me from the Bench, by a Remonstrance to the Governor against me as the author of Freeman's letter; and this too, my Lord, at a time when he knew that Mr. Gregory was actually appointed to fill my seat, and would arrive here in two months; did not so much impatience to get rid of me mark some animosity and ill-will? Need I mention the present address composed and moved for by him to drive me from the Council board? In truth my Lord, wherever I am seated as his equal, my presence gives him pain. Upon the Bench, in cases merely *meum et tuum* juries found upon my direction in point of law in contradiction to his and his brethren. In Council I daily detected his ignorance in the law of Parliament. As a proof of this, I only beg leave to refer your Lordship to the address and report, which, as a Parliamentary machine, he constructed to effect my removal; but he has constructed it of such materials, that if the Council are an Upper House of Assembly, these materials must be entitled to privilege, and therefore incapable of effecting his purpose. Besides my Lord, does it mark his abilities, even as a common Attorney, to state my protests as criminal, without ascertaining the passages that are exceptionable; or to arraign me for having thrown out "illiberal charges and invectives," without stating the words and time when



spoken. Did he not know that general charges are always sufficiently answered by general denials? But was it even possible, my Lord, that I could enter into a justification of words, sentiments, and invectives not specified and set forth! Pardon so many questions, my Lord, but is it not a public grievance; even but to see so superficial a gentleman in the important station of Chief Justice! But, independently of these evident marks of inability, what will be said to his violating the law, in order to carry a party point? I beseech your Lordship to attend to that part of my representation to the Governor, which I calculated expressly for your Lordship's notice. Can any thing be more glaring than the Chief Justice's contrasted conduct relative to Sir Egerton Leigh and myself? In one of those cases, the Chief Justice must have violated the law of the land, and have trampled upon the rights of the subject. How long, my Lord, is such a Judge to have an opportunity of repeating so criminal a conduct! If in so momentous an affair, a Judge demonstrates that he does not regard even his own recent adjudication; is it not reasonable to conclude, that the same man, in cases of property will adjudge a point of law under the influence of private friendship, hatred, or pecuniary consideration? But with regard to that last accusation declaring my purpose "to subvert the Constitution, and unhinge government," that is, to overthrow a door, and then to unhinge it; the facts of which accusation, they say, are of so important and serious a nature, "that any discussion or examination of them, except in a formal judicial manner would be very improper," especially "because they cannot be unknown to any intelligent person in Charles Town." Independently of this substantial reason for not divulging what was already, as they say, notorious; is it possible, my Lord, that already we see the time, when Officers under the British Crown dare to accuse an American in such sort, as to incapacitate him from forming a defence? They accuse me of a purpose to unhinge Government, and they call for a certain punishment upon me. The Governor in the most particular manner, called upon them to state some of the facts upon which they founded their complaint; they reply, that "unless he should more particularly desire it," they ought not to lay before him the most "serious and important." Had the English Judges in Canada, my Lord, formed such an accusation, and demanded that the party should upon such concealed evidence be deemed guilty, and punished accordingly; such a proceeding might have been justified perhaps by the practice in France; but is it possible, my Lord, that in this country so far distant as it is from Canada, and under so excellent a Prince as our most gracious Sovereign, and in your Lordship's administration, two Judges, Mr. Gordon and Mr.



Gregory, shall with impunity accuse an English subject upon principles which regulate accusations even in the Courts of the Holy Inquisition, where the "serious and important" facts upon which the charge is founded are concealed from the accused! Are Judges in America to be encouraged to accuse and to arraign an English subject upon, and to call for his punishment unless he can defend himself against an accusation founded upon concealed facts and evidence! If I understand your Lordship's character aright, this conduct in a part of the British territory under your peculiar care, cannot pass with impunity.

However, my Lord, facts that are "so serious and important," and that "cannot be unknown to any intelligent person in Charles Town," will undoubtedly be laid before your Lordship by the Governor; and of whatever nature these may be, I have a confidence, that your Lordship will not condemn me unheard. In the mean time, I will candidly acquaint your Lordship, that I have a seat in our Provincial Congress, where I assisted in approving the proceedings of the late General Congress, and in contriving ways and means to carry them into execution, in order to restore harmony between Great Britain and the Colonies. But, my Lord, if thus to join one's country in a Constitutional Assembly, of which there can now be no doubt, as his Majesty has received the Petition from the late General Congress; I say, my Lord, if this is to work a disqualification to serve the State as a Counsellor; it is to exclude from the Council almost every man of consequence among us; and that your Lordship should not be deceived on that head, I most humbly present your Lordship with a printed list of our Congress, not doubting but that your conduct will be justly uniform.

Upon the whole, my Lord, as the Governor is my uncle, my respect and attachment to him is superior to any inclination in me of wishing to have a chance of triumphing over the Chief Justice in this case, by pressing any argument against a confirmation of the suspension. I am content that in my person, the Governor has given so distinguished a proof, that his merits are infinitely beyond his rewards from administration; and that no family consideration can make him swerve even from what might only be thought to be his duty to the King. All the Crown Officers in Council accused me of a purpose to unhinge government—they produce some evidence as they think—they tell him the most "serious and important ought not to be mentioned but in a judicial manner"—the times are critical—the Governor could not but suspend, lest he should be thought wanting in his duty to the Crown.

This my humble address to your Lordship, an address from an accused and an injured American to a great Minister—as Secretary of State, and

first Lord Commissioner for Trade and Plantations—is calculated to shew, that I am not a Criminal subject, and that there is no fact adduced to prove that I am unworthy of serving the State under the Royal Mandamus. To do this, is but to discharge a duty I owe to myself. But, my Lord, I am very far from pressing one argument against a confirmation of my suspension; I feel myself incapable of wishing to obtrude myself into the Royal service. As your Lordship is now fully possessed of the whole subject, I do not mean to lay any other representation before the Right Honorable the Lords Commissioners. For, confiding in my not having done any thing unbecoming an American, I rest my seat in Council upon a tenure I think secure—the good sense and spontaneous justice of your Lordship, in discerning, and in laying a just state of the case before their Lordships, and in making a proper report to his Majesty.

Resolved to be perfectly ingenuous with your Lordship, I cannot but inform you of two particulars of my conduct subsequent to my suspension. One, that I have laid a Memorial upon that subject before the Assembly, asking this question, whether a Council, in which, in my person, there is full proof, that no freedom of debate and no privilege in legislative affairs are allowed, can be looked upon as a branch of our legislature? The other particular is, that lest the public should have any idea that my suspension flowed from any unworthy conduct in me, I have addressed myself to the Freeholders of the Colony; and while I laid before them the proceedings relative to my suspension, I, at the same time, gave them an historical outline of the Council from the first settlement of the Province, and as many arguments, and as much law, as might tend to shew that the Council are not a branch of our legislature.

I have the honor to enclose this performance to your Lordship, and I doubt not, but that it will throw such lights upon the question, as your Lordship, being engaged in meditating upon more important affairs, it could not be expected they, of themselves, would have attracted your attention; especially, too, as the history is local and but little known even here; and the law upon the point must be adapted to the nature of the subject, of inferior consequence amid the great affairs under the attentive inspection of your Lordship.

If I have treated the subject of this letter, with that freedom which naturally attends common sense, independently, *et mens sibi conscia recti*; I also have aimed at addressing myself with all due respect to your Lordship; for, my Lord, no man can be more sensible than myself

of the vast space between your Lordship's station in life, and that occupied by the person, who with the most profound respect has the honor to subscribe himself,

My Lord,

Your Lordship's most obedient,  
and most humble servant,

WILLIAM HENRY DRAYTON.

CHARLES TOWN, South Carolina, March 15, 1775.

BY THE LIEUTENANT-GOVERNOR.

[*On his Majesty's service.*]

CHARLESTON, March 1st, 1775.

*To the Honorable William Henry Drayton, Esq.*

SIR:—By virtue of the power, with which his Majesty has been pleased to entrust me, I do hereby suspend you from being a member of his Majesty's Council for this Province, until his Majesty's pleasure shall be known thereupon. And I shall take the earliest opportunity of transmitting to the Lords Commissioners for Trade and Plantations, the Address and papers relative thereto; in order that they may be laid before his Majesty, for his royal consideration.

I am, Sir,

Your most obe. humb. servt.

WILLIAM BULL.\*

COPIES OF THE LETTER OF ADVICE, RESPECTING THE BATTLE OF LEXINGTON, AND OF THE DIFFERENT COMMUNICATIONS, FROM COMMITTEE TO COMMITTEE.

[From the Original Papers.]

WALLINGFORD, Monday morning, April 24, 1775.

DEAR SIR:—Col. Wadsworth was over in this place most of yesterday, and has ordered twenty men out of each company in his regiment—some of which have already set off, and others go this morning. He brings accounts, which come to him authenticated, from Thursday

\* See Journals of the Commons-House of Assembly of South Carolina, for 1775, page 66.

in the afternoon. The King's troops being reinforced a second time, and joined, as I suppose, from what I can learn, by the party who were intercepted by Colonel Gardner, were then encamped on Winter Hill, and were surrounded by twenty thousand of our men, who were entrenching. Colonel Gardner's ambush proved fatal to Lord Percy and another general officer, who were killed on the spot at the first fire. To counterbalance this good news, the story is that our first man in command (who he was I know not) is also killed. It seems, they have lost many men on both sides. Colonel Wadsworth had the accounts in a letter from Hartford. The country beyond here are all gone off and we expect it will be impossible to procure horses for our waggons; as they have or will, in every place employ themselves all their horses. In this place, they send a horse for every sixth man, and are pressing them for that purpose. I know of no way, but you must immediately send a couple of stout able horses, who may overtake us at Hartford possibly; where, we must return M. Noy's and Meloy's, if he holds out so far. Remember, the horses must be had at any rate. I am in the greatest haste, your entire friend and humble servant,

JAMES LOCKWOOD.

N. B. Col. Gardner took nine prisoners, and twelve clubbed their firelocks, and came over to our party. Colonel Gardner's party, consisted of seven hundred, and the regulars eighteen hundred, instead of twelve hundred; as we heard before. They have sent a vessel up Mystick River as far as Temple's Farm, which is about half a mile from Winter Hill. These accounts being true all the King's forces, except four or five hundred, must be encamped on Winter Hill. At the instance of the gentlemen of Fairfield, just departed from hence, this is copied *verbatim* from the original, to be forwarded to that town.

ISAAC BEARS.

*New Haven*, April 24, half-past 9 o'clock, forenoon.

PIERPONT EDWARDS

*Fairfield*, April 24, 3 o'clock, afternoon. A true copy, as received per Express.

THAD. BURR,  
AND W. ROWLAND,  
ELIJAH ABEL.

*Nawalk*, April 24, 7 o'clock, afternoon. A true copy, as received per Express.

JOHN HAIT, jr.,  
DAVID WEBB,  
SAM'L. HUTTON,  
DAN'L. GRAY,  
JONA. WARNING.

*Greenwich*, April 25, 3 o'clock, morning. The above is forwarded to the Committee of Correspondence, at New York.

AMOS MEAD.

A true copy, received in New York, 2 o'clock, P. M., Tuesday, April 25, 1775. \*

A true copy, received at *Eliz-Town*, 7 o'clock in the evening; Tuesday, April 25, 1775.

JONA. HAMPTON,  
*Chairman of the Committee.*  
GEO. ROSS,  
JOHN BLANCHARD.

A true copy, received at Woodbridge, 10 of the clock, in the evening, Tuesday, April 25, 1775.

NATHANIEL HEARD,  
SAMUEL PARKER,  
JONATHAN CLAWSON,  
*Three of a Committee.*

The above received at *New Brunswick*, the 25th April, 1775, 12 o'clock at night.

WM. OAKE,  
JAS. NEILSON,  
AZ. DUNHAM,  
*Committee.*

\* No signature appears here for New York, and it is accounted for in this manner. Mr. Lockwood's letter, and all the signatures after it down to Baltimore are written in one hand writing on a sheet of paper; hence it is probable, the papers with the original subscribers, were withholden at Baltimore, and were copied there on that sheet of paper; in doing which, they omitted inserting the subscribers at New York. From Baltimore, inclusive, the subscribers' names to the papers are in their own hand writing.



A true copy. Received at *Princetown*, April 26, 1775, half-past 3 o'clock, in the morning.

THOMAS WIGGIN,  
JONA. BALDWIN,  
*Members of Committee.*

The above received at *Trenton*, on Wednesday morning, about half after 6 o'clock, and forwarded at 7 o'clock.

SAM'L. TUCKER,  
ISAAC SMITH,  
AB'M. HUNT,  
*Three of the Committee.*

*Philadelphia*, 12 o'clock, Wednesday, received, and forwarded at the same time by

LAMB. CADWALADER,  
WM. BRAADFORD,  
THO. PRYOR,  
ISAAC MALCHER,  
*Committee for the City of Philadelphia.*

*Chester*, 4 o'clock, Wednesday, P. M., received and forwarded by  
FRANCIS JOHNSTON,  
ISAAC EYRE,  
SAM'L. FAIRLAMB.

*New Castile*, 9 o'clock, Wednesday evening, received, and forwarded.  
Z. V. LEUVENIGH,  
STEPHEN SPENCER.

Wednesday night, Christeen Bridge, 12 o'clock, forwarded to Col. Thomas Couch, Esq., who received it this moment, and he to forward it to Tobias Rudolph, Esq., Head of Elk, in Maryland.

S. PATTERSON.

Night and day to be forwarded.

27th April, 1775, half-past 4 o'clock, A. M., received, and forwarded to Patrick Hamilton, Esq., in Charlestown by

TOBIAS RUDOLPH, and  
JOSEPH GILPIN.

*Baltimore*, April 27th, 1775, received 10 o'clock, P. M.

JOHN BOYD, *Clerk of Committee.*

A true copy, received in ANNAPOLIS, Friday, April 28th, 1775, half after 9 o'clock, A. M., and forwarded at 10, per Express.

MAT. TILGHMAN,

CH. CARROLL, of Carrollton,

CHAR. CARROLL,

J. HALL,

THS. JOHNSON, jr.,

SAM'L. CHASE,

*Committee of Correspondence for Maryland.*

*Alexandria*, Friday, 8 o'clock, P. M.

We received the enclosed from Annapolis, at 6 o'clock. Please forward it to Fredericksburgh. I am for self and the Committee of Correspondence, in this place,

Gentlemen, your hum. servt.

WM. RAMSAY.

To the Committee of Correspondence in Dumfries.

GENTLEMEN :—The enclosed came to hand this morning, about 10 o'clock. In one hour, I hired the bearer to convey it to your place, to the different Committees.

For self, and the Committee of Correspondence in this place, I am, gentlemen, your most obt. hum. servt.

WILLIAM CARR.

*Dumfries*, April 30, Sunday.

To the Committee of Correspondence at Fredericksburgh. By Express.

*Fredericksburg*, Sunday evening, half-past 4.

GENTLEMEN :—The enclosed arrived here, about an hour ago, and is forwarded to your Committee by your very hum. servts.

JS. MERCER,

GEO. THORNTON,

MANN PAGE, jr.,

HUGH MERCER,

*Committee.*

*King William*, May 1st, 1775.

GENTLEMEN :—The enclosed arrived here to-day, and is forwarded to your Committee by your most obt. servt.

CARTER BRAXTON.

*Surry County, May 2d, 1775.*

GENTLEMEN :—The enclosed arrived here this evening, and is forwarded by your most obt. hum. servt.

ALLEN COCKE.

*Williamsburg, 2d May, 1775.*

GENTLEMEN :—The enclosed is this moment come to hand, and I forward it to you by Express, with the request, of the Committee of Williamsburg that you will be pleased to forward the papers to the Southward, and disperse the material passages through all your parts.

I am very respectfully, gentlemen, your mo. ob. set.

RO. C. NICHOLAS, *Chairman.*

*Smithfield, May 3d, 1775, 5 o'clock, the morning.*

The enclosed arrived here this morning, and is forwarded to your Committee of Correspondence by your humble serts.

ARTH'R. SMITH,

NATHANIEL BURNE.

To the Committee of the County of Nancimond, or any of them. An Express from Boston.

GENTLEMEN :—The enclosed is this moment come to hand, and we forward it to you by Express, with the request of the Committee of Nancimond, and you will be pleased to forward them to the Southward.

I am, gent., your mo. ob. sert.

WILLIS RIDDICK,

WILLS COWPER.

*Nancimond, May 3d, 1775.*

To the Committee of Chowan, North Carolina.

GENTLEMEN :—The enclosed papers we have just received, and forward them by Express to you. To be sent to the southward.

We are, gentlemen, your obt. ser.

THE COMMITTEE OF THE COUNTY OF CHOWAN.

May 3d, 1775.

To the Committee of Correspondence for the town of Edenton. By Express.

*Edenton, May 4th, 9 o'clock, 1775.*

GENTLEMEN :—The enclosed is this moment come to hand, and we forward to you by Express, with the request, that you will be pleased to

forward the papers to the Committee of Craven County immediately, and disperse the material passages, through all your parts.

We are, gentlemen, your obt. humb. servts.,

THO. JONES,  
CHAS. BONDFIELD,  
JNO. GREEN,  
WILLIAM BENNETT,  
JNO. HAMILTON,  
JOS. BLOUNT,

*Chairman.*

ROBT. HARDY,  
ROB. SMITH,  
S. DICKINSON.

To the Committee of Beaufort County.

*Beaufort County, May 6th, 1775.*

GENTLEMEN :—The enclosed is this moment come to hand, and we forward to you by Express, with the request, that you will forward the different papers to the southward immediately.

We are, gentlemen, your obt. hum. serts.

ROGER OSMOND,  
WM. BROWN.

To the Committee of Craven County.

*Bath, 6th May, 1775.*

DEAR SIR :—In haste have sent to request you will peruse the enclosed papers ; and that you will do, by opening the packet herewith sent, the moment it comes to your house. Get three or four of your Committee to write a line, and send the whole enclosed to the next southward Committee, with the utmost dispatch. We are, dear sir, with regard, your most humb. servts.,

WM. BROWN,  
ROGER OSMOND.

To Abner Nash, Esq., or either of the Committee for the County of Craven—per Express.

*New Bern, 6th of May, 1775.*

GENTLEMEN :—The enclosed arrived here about an hour past, and is forwarded immediately to you ; and desire you will keep a copy of

James Lockwood's letter. And send them on as soon as possible to the Wilmington Committee. We are, gentlemen, your obt. servts.,

SAM. SMITH,  
B. COGDELL,  
JOHN GREEN,  
WILLIAM TISDALE,  
THOMAS M'LIN,  
A. NASH,  
JOSEPH LEECH,  
JOHN FONVIELLE,  
WM. STANLY,  
JAMES COOR.

N. B.—We have enclosed our last paper, which gives an account of the first beginning of the battle; which please to send to Wilmington, &c., and send all the bundle of papers forward as soon as possible you can. To the Committee of Onslow County.

*Onslow*, Sunday morning, 10 o'clock, May 7th.

GENTLEMEN:—About an hour past, I received the enclosed papers. Disperse them to your adjoining county. Keep a copy of James Lockwood's letter. And pray write us, what to do. We are for Onslow.

WM. CRAY,  
SETH WARD,  
JOS. FRENCH,  
EDW'D. WARD,  
ROBERT SNEAD.

Inclosed is the last Gazette for Brunswick.  
To the Wilmington and Brunswick Committees.  
For Cornelius Harnett, Esq., Col. John Ash, or any one of the Committee for Wilmington. Express.

*New River*, May 7, 1775. Received, and forwarded by  
WILL'M. CRAY.

DEAR SIR:—I take the liberty to forward by Express, the enclosed papers, which were received at 3 o'clock this afternoon. If you should be at a loss for a man and horse, the bearer will proceed as far as the Boundary-house. You'll please direct to Mr. Marion, or any other gentleman to forward the packet immediately to the southward, with the greatest possible dispatch. I am with esteem,

Dear Sir, your most ob. sert.

CORNS. HARNETT.



*Wilmington, May 8th, 1775, 4 o'clock, afternoon.*

P. S. For Godsake send the man on without the least day; and write to Mr. Marion to forward it by night, and by day.  
To Richard Quince, Esq., Brunswick.

*Brunswick, May 8th, 1775, 9 o'clock in the evening.*

*Mr. Isaac Marion,*

SIR:—I take the liberty to forward by Express, the enclosed papers, which I have just received from Wilmington. And I must entreat you to forward them to your Committee at George-Town, to be conveyed to Charles-Town, from yours with all speed. Inclosed is the newspaper, giving an account of the beginning of the battle; and a letter of what happened after; pray don't neglect a moment in forwarding.

I am your humb. sert.

RICH'D. QUINCE.

To Isaac Marion, Esq., at the Boundary.

DEAR SIR:—Though I know you stand in no need of being prompted when your country requires your service; yet, I cannot avoid writing to you, to beg you to forward the papers containing such important news. And pray order the Express you send, to ride night and day. I am, dear sir, in the greatest haste, your most ob. servt.

R. HOWE.

8th May, 1775.

Isaac Marion, Esq., Boundary.

*Boundary, May 9th, 1775, Little River.*

GENTLEMEN OF THE COMMITTEE:—I have just now received Express from the Committees of the northward Provinces, desiring I would forward the enclosed packet to the southern Committees. As yours is the nearest, I request for the good of your country, and the welfare of our lives and liberties, and fortunes, you'll not lose a moment's time; but dispatch the same to the Committee of Georgetown; to be forwarded to Charles Town. In the mean time, am gent'n.,

Your oblg. hum. ser., &c.,

ISAAC MARION.

To Danness Hankins, Josias Allson and Samuel Dwight, Esquires, and Messrs. Francis and John Allston, gentlemen of the Committee for Little River.

GENTLEMEN:—The enclosed papers were just now delivered to me, by an Express from Little River. I make not the least doubt, but

you will forward them with the utmost dispatch, to the General Committee at Charles Town. I am, gent'n. your very hum. sert.,

BENJA. YOUNG.

Wednesday, 1 o'clock, 10th May, 1775.

To Paul Trapier, Esq., Chairman of the Committee at Georgetown.

GENTLEMEN :—We have received your letter, and shall be careful to execute with all the diligence in our power, whatever you have recommended. We send you by Express, a letter and newspaper, with momentous intelligence this instant arrived. We are your humble servants,

PAUL TRAPIER,

S. WRAGG,

P. TRAPIER, jr.

ANTHONY BONNEAU.

Half past 6, Wednesday evening.

The Committee of Intelligence in Charles-Town, to the care of the Honorable William Henry Drayton, Esq. Per Express.

COPIES OF LETTERS AND PAPERS FROM THE EARL OF DARTMOUTH TO THE DIFFERENT GOVERNORS OF PROVINCES; BROUGHT OVER FROM FALMOUTH IN THE SWALLOW PACKET, AND SEIZED IN THE POST OFFICE OF CHARLESTOWN.

[Original MSS.]

(CIRCULAR PRIVATE.)

WHITEHALL, March 3d, 1775.

SIR :—It is fit that I should acquaint you, that the Resolution of the House of Commons which accompanies my separate dispatch, passed in the Committee by a majority of two hundred and seventy-four to eighty-eight; and was received and agreed to by the House, without a division. And indeed, the great majorities which have appeared in both Houses, upon every question that has been proposed for maintaining the supremacy of parliament, is such an evidence of the general sense of the nation upon that subject, as must show how little ground there has been for those assurances, which have been artfully held out to the Americans of support here, in the dangerous conduct they have adopted; and convince them that there neither can, nor will be any the least relaxation, from those measures, which that conduct has made indispensably neces-

sary, for reducing the Colonies to the constitutional authority of parliament.

I am, sir, your most obt. humble servt.

DARTMOUTH.

*His Honor the Lieutenant Governor of*

*South Carolina, Charlestown.*

*Resolved*, That when the Governor, Council, and Assembly, or General Court of any of his Majesty's Provinces, or Colonies in America, shall propose to make provision according to the condition, circumstances, and situation, of such Province or Colony, for contributing their proportion to the common defence (such proportion to be raised under the authority of the General Court, or General Assembly of such Province or Colony, and disposable by parliament); and, shall engage to make provision, also, for the support of the Civil Government, and the administration of justice in such a Province or Colony; it will be proper, if such proposal shall be approved by his Majesty, and the two Houses of Parliament, and for so long as such provision shall be made accordingly, to forbear, in respect to such Province or Colony, to levy any duty, tax, or assessment, except, only, such duties as it may be expedient to continue to levy, or to impose, for the regulation of commerce; the net produce of the duties last mentioned, to be carried to the account of such Province or Colony respectively."\*

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(A DUPLICATE CIRCULAR PRIVATE, SIMILAR TO THE ONE PRECEDING,  
TO THE GOVERNOR OF GEORGIA.)

WHITEHALL, 3d March, 1775.

SIR:—I have received your letters of the 19th and 20th of December; the latter numbered thirty-five; and have laid them before the King. But having nothing in command from his Majesty thereupon, I have only to lament, that his Majesty's subjects in Georgia, who have hitherto in general shown so great respect for the mother country, and loyalty to the King, should have at length manifested a disposition to adopt the sentiments, and follow the ill-example of their neighbors. But, I trust, that the measures I have taken for your support, and the

\* See proceedings of the Continental Congress respecting this Resolution, in the proceedings of the Congress at the latter part of Chapter XII, for the month of July, 1775.

zeal and alacrity of the King's officers, and of those gentlemen who you say, stand forth in the maintenance of the public peace, will have the effect to prevent the sons of liberty, as they are called, from committing themselves in any act of violence.

I find by a letter from Mr. Cooper to Mr. Pownall, that the Lords of the Treasury, have had under their consideration the proposition which you transmitted some years ago, in the shape of a bill for better collecting his Majesty's quit rents; they seem, however, to be of opinion, that the provisions of an act of the province of North Carolina, for the same purpose which they have had before them, are better calculated to answer the object in view, than the Bill you recommended; and principally, because it enacts that no patent, deed, or conveyance of land shall be held valid, unless enrolled in the manner the act directs—whereas, in your Bill, the enrolment is enforced merely by penalty. I therefore think fit, to send you a copy of the North Carolina act; that by comparing the two together, you may be enabled to frame and pass such a law, as shall correspond with the sentiments of that Board.

I am, sir, your most obt. hum. servt.

DARTMOUTH.

*Sir James Wright, Baronet, Georgia.*

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(CIRCULAR PRIVATE.)

WHITEHALL, 3d March, 1775.

SIR:—My separate dispatch of this day's date, enclosing a Resolution of the House of Commons, may be ostensibly of use, in case the General Assembly should think fit to take up the consideration of that resolution. But, it is fit, I should observe to you, that it is not his Majesty's intention, for very obvious reasons, that you should officially communicate it to them. At the same time, as I think it cannot fail to be an object of discussion in the Assembly, I must add, that the King considers that the good effect of it, will, in a great measure depend, upon your ability and address, in a proper explanation of it, to those, whose situation and connexions may enable them to give facility to the measures it points to. And, his Majesty has no doubt, that you will exert every endeavor to induce such a compliance, on the part of the Assembly, as may correspond with his Majesty's ideas of their justice, and his earnest wishes to see a happy restoration of the public tranquility.

I am, sir, your most obt. hum. servt.

DARTMOUTH.

*The Governor of Georgia.*

(CIRCULAR.)

WHITEHALL, March 3d, 1775.

SIR :—You will have seen in the King's answer to the joint address of both Houses of Parliament, on the 7th of February (which address and answer have already been transmitted to you) how much attention his Majesty was graciously pleased to give to the assurance he held out in that address, of the readiness of parliament to afford every just and reasonable indulgence to the Colonies, whenever they should make a proper application on the ground of any real grievance they might have to complain of; and, therefore, I have the less occasion now to enlarge upon the satisfaction it hath given his Majesty, to see that address followed by the enclosed resolution of the House of Commons; which, whatever may be the effect of it (I trust a happy one) will forever remain an evidence of their justice and moderation, and manifest the temper which has accompanied their deliberations upon that question; which has been the source of so much disquiet to his Majesty's subjects in America; and the pretence, for acts of such criminal disorder and disobedience.

His Majesty, ardently wishing to see a reconciliation of the unhappy differences, which have produced those disorders, by every means through which it may be obtained, without prejudice to the just authority of parliament; which his Majesty will never suffer to be violated; approves the resolution of his faithful Commons; and commands me to transmit it to you, not doubting that this happy disposition to comply with every just and reasonable wish of the King's subjects in America, will meet with such a return of duty and affection, on their part, as will lead to a happy issue of the present disputes, and to a re-establishment, of the public tranquillity on those grounds of equity, justice, and moderation, which this resolution holds forth.

The King has the greater satisfaction in this resolution, and the greater confidence in the good effects of it, from having seen, that amidst all the intemperance, into which a people jealous of their liberties have been unfortunately misled, they have nevertheless avowed the justice, the equity, and the propriety of subjects of the same State, contributing according to their abilities and situation to the public burthens; and I think I am warranted in saying, that this resolution holds no proposition beyond it.

I am unwilling to suppose, that any of the King's subjects, in the Colonies, can have so far forgot the benefits they have received from the parent State, as not to acknowledge, that it is to her support, held forth



at the expense of her blood and treasure, that they principally owe that security, which hath raised them to their present state of opulence and importance. In this situation, therefore, justice requires that they should in return contribute according to their respective abilities, to the common defence; and their own welfare and interest demand that their civil establishment should be supported, with a becoming dignity.

It has therefore been the case, and I am persuaded it is the firm determination of parliament, to see that both these ends are answered; and their wisdom and moderation have suggested the propriety of leaving to each colony, to judge of the ways and means, of making due provision for these purposes; reserving to themselves the power of approving or disapproving, what shall be offered.

The resolution, neither points out what the civil establishment should be; nor demands any specific sum in aid of the public burthens. In both these respects, it leaves full scope for that justice and liberality, which may be expected from Colonies, that under all their prejudices, have never been wanting in expressions of an affectionate attachment to the mother country; and a zealous regard for the general welfare of the British empire. And therefore, the King trusts that the provision they will engage to make, for the support of civil government, will be adequate to the rank and station of every necessary officer; and, that the sum to be given in contribution, to the common defence, will be offered on such terms, and proposed in such a way, as to increase or diminish according as the public burthens of this kingdom are from time to time augmented or reduced; in so far, as those burthens consist of taxes and duties, which are not a security for the national debt. By such a mode of distribution the Colonies will have full security that they can never be required to tax themselves, without parliament's taxing the subjects of this kingdom, in a far greater proportion. And, there can be no doubt, that any proposition of this nature, made by the Colonies, and accompanied with such a state of their faculties and abilities as may evince the equity of the proposal, will be received with every possible indulgence; provided, it be at the same time unaccompanied with any declarations, and unmixed with any claims, which will make it impossible for the King, consistent with his own dignity, or for parliament consistent with their constitutional rights, to receive it. But, I will not suppose, that any of the Colonies will, after this example of the temper and moderation of parliament, adopt such a conduct; on the contrary, I will cherish the pleasing hope, that the public peace will be restored; and that the Colonies, forgetting all other trivial and groundless complaints, which ill-humor hath produced, will enter into the consideration

of the resolution of the House of Commons, with that calmness and deliberation, which the importance of it demands; and with that good will and inclination to a reconciliation, which are due to the candor and justice with which parliament has taken up this business, and at once declared to the Colonies, what will be ultimately expected from them.

I have already said, that the King entirely approves the resolution of the House of Commons; and his Majesty commands me to say, that a compliance therewith, by the General Assembly of Georgia, will be most graciously considered by his Majesty, not only as a testimony of their reverence for parliament, but also as a mark of their duty and attachment to their Sovereign who has no object nearer to his heart, than the peace and prosperity of his subjects in every part of his dominions. At the same time, his Majesty considers himself as bound by every tie to exert those means the Constitution has placed in his hands for preserving that Constitution entire, and to resist with firmness every attempt to violate the rights of parliament, to distress and obstruct the lawful commerce of his subjects, and to encourage in the Colonies ideas of independence, inconsistent with their connexion with this kingdom.

I am, sir, your most obt. hum. servt.

DARTMOUTH.

*Governor of Georgia.*

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WHITEHALL, 3d May, 1775.

SIR :—I have received your letters numbered from thirty-five to forty-one, and have laid them before the King.

The grounds upon which masters of ships, who were midshipmen and acted as master's mates on board the fleet in the last war, claim each two thousand acres of land, in virtue of the royal proclamation, refers to facts of which I have no official information. Whenever the Lords of the Admiralty shall, upon a proper application to them, by those claimants, certify the facts on which they state their claims, I will not fail to receive his Majesty's pleasure upon their case; in the mean time, the matter must rest upon the opinion, I think very properly adopted by yourself and the Council.

I have already so repeatedly expressed to you my sentiments of the present disorders in America, and the sense I have of your meritorious conduct, in the prudent and proper measures you have pursued for preventing, as far as you are able, the contagion from spreading itself through the province of Georgia, that I have nothing to add on that

subject, but to express my wishes that the steps I have taken for your support, will encourage the friends of Government to resist the violences that are threatened, and preserve the public peace, in all events.

I am, sir, your most obt. hum. servt.

DARTMOUTH.

*Sir James Wright, Baronet.*

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WHITEHALL, May 3d, 1775.

SIR:—Your letters of the 26th of January and 10th of March, Nos. 27 and 28, the latter of which I received only yesterday, contain matter of very great importance.

The addresses from the four counties of Guilford, Dobbs, Rowan and Surry, breathe a spirit of loyalty to the King, and attachment to the authority of Great Britain, which cannot be too much encouraged; and it will be necessary that you lose no time, in acquainting the inhabitants of those counties, that these testimonies of their duty and affection, have been most graciously received by his Majesty. That his Majesty will not fail to afford them those marks of his royal favor, which such a meritorious conduct appears to deserve; and, that as soon as the necessary forms will admit, his Majesty's clemency towards the insurgents in 1770, will be extended in a proclamation, of general pardon to all except Horman Husbands. In the mean time, it is his Majesty's pleasure, that you do pursue every step that may improve so favorable a symptom in the present state of general frenzy, and perhaps you will not find it difficult, through the channel of some respectable persons in those counties, to procure proper associations of the people in support of the Government. Such a measure cannot fail to cast a damp upon the machinations of faction, and disconcert any desperate measure, they may have in contemplation.

I hope, we may yet avoid, the fatal necessity of drawing the sword; but it is prudent to provide, as far as we are able, against every possible mischief; and therefore, you will do well, to consider in time, whether it may not be practicable in such an event, to embody and lead forth, in support of Government, such of the men in those counties, as are able to bear arms. If matters should come to this issue, it is the King's pleasure, that you hold out to gentlemen of interest and leading amongst them assurances of his Majesty's favor in granting them such commissions, as shall be suitable to their rank and station; and every other encouragement and advantage allowed to any other troops in his Ma-

jesty's service, as far as is consistent with the established rules of the army.

I confess to you, sir, that this appears to me to be a matter of so much importance, that I cannot too earnestly recommend it to your attention; and that no time may be lost, in case of absolute necessity. I have received his Majesty's commands, to write to General Gage, to apprise him of this favorable circumstance; and to instruct him, that he do, upon application from you, send some able and discreet officer to you, in order to concert the means of carrying so essential a service into effect; and if necessary to lead the people forth, against any rebellious attempts, to disturb the public peace.

There are several other matters in your letters, which will require consideration and instruction; but, as the mail for Charlestown will be made up to-night, I can only for the present add, that

I am, sir, your most obt. hum. servt.

DARTMOUTH.

*His Excel. Gov. Martin, North Carolina.*

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COPIES OF LETTERS FROM THE GOVERNOR OF GEORGIA SEIZED  
IN THE POST OFFICE AT CHARLESTON.

[Original MSS.]

SAVANNAH IN GEORGIA, the 27th of June, 1775.

SIR:—I had the honor to write to your Excellency, of the 7th inst. enclosed to Lieutenant-Governor Colden, which I hope you have received. And last night I received a letter from Lord William Campbell, acquainting me, that he is going to send the Scorpion with letters to your Excellency, and which opportunity I now embrace, and hope some method may be fallen upon that we may receive frequent information of the state of things your way; as it has the greatest effect and influence on the conduct of the people in these provinces, and may contribute much to his Majesty's service.


The unhappy affair of the 19th of April, and some late occurrences in the neighboring province, have at length drawn and forced the people of this province into the same predicament with others. And I now expect, that, as far as they possibly can, they will follow the example of them. And I see no probability of any tolerable quietude, unless the prudence and moderation of the Continental Congress, should lay a foundation for it. Your Excellency's order to Major Furlong, I have

not yet forwarded; indeed, I have neither vessels nor money to pay the expense of sending for them, and, as things are circumstanced at present, it is the opinion of the gentlemen of the Council that such a number might only inflame the whole province, and be liable to insults, if not worse. For, we have no fort of defence for them to be in, or retire to; and they could neither awe or prevent any attempts against them. This number, a year ago, might have been of great use, or if things take a favorable turn may, but not just now. And it is our opinion, that not less than five times that number could answer any effectual purpose. And therefore, I do not mean to forward it yet. But, if your Excellency could for this length, and authorize me to draw for the expense of putting up a temporary fort, I think matters would soon wear a different aspect here. But without, neither law or government can be supported. And I have neither men or money. And the Governors had much better be in England than remain in America and have the mortification to see their powers executed by committees and mobs. And I am really amazed, that these southern provinces should be left in the situation they are, and the Governors and King's officers and friends to Government, naked and exposed to the resentment of an enraged people. Stuart has been obliged to take sanctuary in St. Augustine. I shall hope for a full and clear answer from your Excellency, that I may know better how to conduct myself. And have the honor to be with respect and esteem,

Your Excel. most obt. and most hum. servt.

JAMES WRIGHT.

*To his Excel. Gen. Gage.*

 The above letter was withdrawn from the envelope, and the following was substituted in its place, and forwarded, by the Secret Committee :

SAVANNAH IN GEORGIA, 27th June, 1775.

SIR:—The unhappy affair of the 19th of April, and some late occurrences in Carolina, have occasioned this province to put on an appearance which, I have the pleasure to assure your Excellency, is by no means real; and I am happy, that I can with equal confidence assure you, that there is nothing really formidable in the proceedings or designs of our neighbors of South Carolina, notwithstanding the late address of their Congress to Lord William Campbell; who being but just arrived, and as your Excellency knows but unexperienced in affairs of Government, may think them very serious, and express his apprehensions to




you on the subject. However unwilling I write this, yet the good of his Majesty's service compels me to make this intimation to your Excellency, lest you should otherwise be disposed to believe, that affairs are in extremity in these Colonies, and act accordingly.

My private intercourse is so extensive in these Colonies, and I am so well informed of the private sentiments of their leading men, that I assure you no danger is to be apprehended from their designs. And their measures I am convinced will quickly change, provided they are left to do it in their own way. And upon the best information, joined to certain knowledge of men and matters in Carolina and Georgia, I am fully assured, that if any ships or troops were to be sent into these parts, they would not only totally destroy the present favorable appearances; but in all probability would prove destructive to the good of the service. Upon these ideas, I have regulated my conduct; and I have not as yet even dreamed of applying to Major Furlong; and I firmly believe, that I shall have no occasion to do it.

I sincerely wish your Excellency success in your undertakings; and I have the honor to be, with perfect esteem,

Your Excel. most obt. and most hum. servt.

 A fac-simile signature of JAMES WRIGHT, was affixed to this letter by the Secret Committee; and an impression of his seal having been taken in clay, the new envelope carried the resemblance of Sir James Wright's seal.\*

*To his Excel. General Gage.*

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#### SAVANNAH IN GEORGIA, the 27th of June, 1775.

SIR:—Some time ago, I had the honor to receive a letter from the Earl of Dartmouth, dated the 1st of February last, wherein he wrote me, that an order was gone from the Admiralty to you, sir, to send me one of your cruisers; but, none is yet arrived—nor have I heard any thing of it since. And I am now to acquaint you, that four or five boats, from the South Carolina side of our inlet have been here for ten

\* It is said, this forged letter was received by General Gage; and was in a great measure the reason, why troops and vessels were not forwarded at that time to Georgia—and that upon Governor Wright's meeting General Gage afterwards in London, he asked the General, why he had not assisted him with troops as he had written to him for? When General Gage replied, you wrote me quite the contrary, as I can prove by your own letter in my possession—and upon Governor Wright's inspection of the same, the letter as coming from him, turned out to be a counterfeit!

or twelve days past, full of armed men—it is said near one hundred. We expect a vessel from London every day, with a considerable quantity of gun-powder on board—and report says, that these people mean to take it out, and carry it away; and it is not in my power to prevent it. And thus you see, sir, that our port may, and in short is, blocked up by our neighbors, and that they have it in their power to plunder any thing that arrives here, and do just what they please. I hope, therefore, that you will be kind enough to give such immediate assistance, as may be in your power, to prevent such insults and attempts as I have mentioned.

Pardon me, sir, for saying, that an armed schooner will be of little use; or any thing less than a sloop of war of some force—and which, from Lord Dartmouth's letter, I have been long expecting, and impatiently looking out for.


I doubt not, but the situation we are in, will strike you in such a light, that you will see the propriety of immediate assistance.

Another matter seems to be also necessary for his Majesty's service; viz: frequent accounts from yourself, and General Gage, with respect to the state of affairs, your way—as, I find it has the greatest influence on the conduct and proceedings of the people here. And I have no way by which this can be done, unless you are pleased to send it by some of his Majesty's vessels under your command. I have the honor to be, with perfect esteem,

Sir, your most ob. and most hum. servt.

JAMES WRIGHT.

*Admiral Graves.*

 The above letter was withdrawn from the envelope, and the following was substituted in its place, by the Secret Committee and forwarded:

SAVANNAH IN GEORGIA, the 27th June, 1775.

SIR:—Some time ago, I had the honor to receive a letter from the Earl of Dartmouth, dated the 1st February last, wherein he wrote to me, that an order was gone from the Admiralty to you, sir, to send me one of your cruisers. It gives me the highest pleasure to acquaint you, that I now have not any occasion for any vessel of war, and I am clearly of opinion, that his Majesty's service will be better promoted by the absence than the presence of vessels of war in this port. On this subject of military forces, being at present sent to this part of the continent, I have written fully to the General, and I beg leave to refer you, sir, to that letter, which is of equal date with this.

As I am persuaded it will be for the benefit of the service, that the Southern Governors should have early information of important transactions in your part of the continent, I doubt not, but that if you, sir, shall be of the same opinion, you will send such by some advice boat. And if such vessel proceeds to Charlestown, my packet may there be sent on shore, and it will reach me, by a secure land conveyance by Express from the Post Office.

Perhaps Captain Tollemache may give you, sir, some little alarm about two or three canoes from South Carolina in this river; waiting, as report says, to take some gun-powder from on board a vessel daily expected to arrive here. But, I acquaint you, sir, that they are sent upon a smuggling party of goods, into their own Colony, by private directions of their Committee. They mean to procure some gun-powder, and I shall not be displeased if under the appearance of some violence they purchase such an article—as, it is intended to make good the contract made by Mr. Stuart and myself, with the Indians, both Creeks and Cherokees; the latter of whom, will be more convenient for the Carolinians, than the people of Georgia to supply. I have the honor to be, with perfect esteem,

Sir, your most humb. and most obt. servt.

 A fac-simile signature of JAMES WRIGHT, was affixed to this letter, by the Secret Committee.

*Admiral Graves.*

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J. HABERSHAM TO P. CHIFFELLE.

[MSS. Letter.]

SAVANNAH, Friday, 16th June, 1775.

DEAR SIR:—The alarming height to which our disputes with the mother country has at length arisen, and the many detestable arts that are made use of by our enemies to involve us in one general scene of distress, are motives sufficient to stimulate every honest man to use his best endeavors to counteract the wicked designs of our enemies, which will be a sufficient excuse for my troubling you with this, as it conveys a piece of intelligence that I think very interesting, and should, when thought proper, be made known to the good people of your Province as well as our own.

Mr. John Stuart, who is now at Col. Muhynes' house at Thunderbolt, desired that the Colonel would wait on some gentlemen who are in opposition to Government, as it is called here, and beg that they would be

so good as to call on the Superintendant at his house yesterday, as he wanted to have an opportunity of clearing himself of some aspersions, and likewise to lay before us his letters with respect to Indian affairs, accordingly four or five of us, malcontents, attended, when Mr. Stuart, began with informing us that he had received letters by the last post from Charles Town, which made him very uneasy as a report had been circulated there that he had been tampering with certain Indians, at which he manifested not a little surprise, he showed us the letter he received from Charles Town, and his answer to Col. Howarth, whom he has desired to make the contents public, and which he means as a justification of his conduct. So far, every thing appeared to me plausible, but unluckily for Mr. Stuart he produces a number of his letters to his deputy, Mr. Cameron, and the answer in one of which he writes thus : "I have received information from Gen. Gage, that certain persons at the northward have been tampering with the Six Indian Nations and endeavoring to alienate their affections from his Majesty. I mention this to caution you against any thing of the kind with you, and that you will use your influence to dispose those people to act in defence of his Majesty and Government, if found necessary." Mr. Cameron's answer was couched nearly in the following words (I do not differ, I am positive as to the substance, though I may in some of the words) : "That Mr. Stuart's interest with the Indians was much greater, and that he was more beloved by them than any other man, and that he (Mr. Cameron) had the vanity to think that he could head any number he thought proper, whenever called upon in support of his Majesty and Government." Now, sir, I shall leave you to make your own comments on the above, though I will acquaint you with what I said to him on its being read, "that we were at no loss to know what was meant by assisting or acting in defence of his Majesty and Government, if found necessary, for, as we were not at war with the French or Spaniards, it could not be against them that they were meant to act." Mr. Cameron further tells Mr. Stuart that the Traders must by some means or other get ammunition among them or otherwise they may become very troublesome to him for the want of it. I do not know how far I am at liberty to make this public, but as Mr. Stuart has wrote to Mr. Howarth in order to justify himself in the eyes of the people of Carolina, I think as a further justification, he should produce his letters to and from Mr. Cameron. Mr. Stuart's letter, that contains the foregoing paragraph is dated about the middle of January last, and as copied among a number of others in a large book bound in calf. You may give the Secret Committee intelligence of this, and if they should think it of sufficient importance to



deem a demand from Mr. Stuart of these letters, and he should then hesitate and will not grant what they request, and it should further be thought necessary, I can find four persons besides myself, to avow what I have said to be true, as any thing of this kind should come well authenticated.

We are going on here tolerably well with respect to our political proceedings, and hope soon to convince the world that Georgia will not take advantage of her sister colonies, in the present disputes.

I am, dear sir, your most obedt. servt.

JOSEPH HABERSHAM.

*Mr. Philotheos Chiffelle.*

# EXTRACT FROM CAPT. F. MARION'S ORDERLY BOOK. 1775.

## REGIMENTAL ORDERS BY COL. MOULTRIE.

Every officer to provide himself with a blue cloth coatee, faced and cuffed with scarlet cloth, and lined with scarlet. White buttons; and white waistcoat and breeches (a pattern may be seen at Mr. Trezevant's); also, a cap and black feather.

## GENERAL ORDERS BY COL. WM. MOULTRIE.

June 21st, 1775.

Lieutenant Colonel Isaac Huger of the First Regiment, and Lieutenant Colonel Isaac Motte of the Second Regiment, are Lieutenant Colonels in the Provincial Troops, and are to be obeyed as such. Major Owen Roberts of the First Regiment, and Major Alexander McIntosh of the Second Regiment are Majors in the Provincial service, and to be obeyed as such.

Capt. Charles C. Pinkney, Wm. Cattel, Thomas Lynch, John Barnwell, Adam McDonald, Benjamin Cattel, Edmund Hyrne, William Scott, Roger Saunders, Thos. Pinkney, are Captains in the First Regiment of Provincial troops, and to be obeyed as such.

Captains Bernard Elliott, Francis Marion, Daniel Horry, Francis Huger, William Mason, James McDonald, Peter Horry, Nicholas Eveleigh, Isaac Harleston, Charles Motte, are Captains in the Second Regiment of Provincials, and to be obeyed as such.

Lieutenants John Mouat, Thomas Elliott, Glen Drayton, Richard Singleton, John Vanderhorst, Alexander McQueen, Benjamin Dickenson, Joseph Ioor, Richard Armstrong, and James Ladson, are Lieutenants in the First Regiment, and to be obeyed as such.



Lieutenants Richard Shubrick, John Allen Walker, William Oliphant, Thomas Moultrie, Thomas Lessesne, Richard Fuller, William Charnock, Anthony Ashby, John Blake, and James Peroneau, are Lieutenants in the Second Regiment of Provincial troops, and to be obeyed as such.

## REGIMENTAL ORDERS BY COL. MOULTRIE.

June 22d, 1775.

Capt. Eveligh, and Capt. Motte, with Lieutenant Thos. Moultrie, James Peronneau, and William Moultrie, to remain in town, and take charge of the recruits that may be sent to the Regiment from the country, as also to pick up what recruits they can about town.

## GENERAL ORDERS BY COL. MOULTRIE.

28th June, 1775.

The Quarter Masters of the First and Second Regiments, are Col. Gervais or Mr. Andrew Williamson who have contracted to supply the troops with provisions in the following manner; one pound of good beef per day, or one pound fresh pork, or 12 oz. salt pork. One pound wheat flour, or one pound shipbread, or one half pint rice. Half pint vinegar per week, when in barracks or stated camps. One pint salt per week when they are served with fresh provisions, and one pound black pepper per year, if to be had.

Soldiers found drunk when on duty will certainly be punished; especially sergeants, who ought to set good examples to the men.

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W. H. DRAYTON'S AND REV. WM. TENNENT'S COMMISSION TO MAKE  
A PROGRESS INTO THE BACK COUNTRY TO QUIET THE MINDS OF  
THE PEOPLE.

## EXTRACT FROM THE MINUTES OF COUNCIL OF SAFETY.

Sunday, 23d July, 1775.

PRESENT—Col. Henry Laurens, President; Mr. Ferguson, Mr. A. Middleton, Hon. Mr. Lowndes, Hon. Mr. Drayton, Col. Pinckney, Mr. Brewton, Mr. Bee, Capt. Benj. Elliott, Mr. Heyward, Col. Parsons.

(After sundry resolutions,)

On motion,

*Resolved*, That the Hon. W. H. Drayton, and the Rev. Wm. Tennant, be the two gentlemen to make a progress into the back country, to explain to the people the causes of the present disputes, between Great Britain and the American Colonies.

*Resolved*, That the following commissions and powers be given to the Hon. William Henry Drayton, and the Rev. Wm. Tennant.

#### SOUTH CAROLINA—IN THE COUNCIL OF SAFETY.

July 23, 1775.

The Council of Safety elected and chosen by the Provincial Congress, begins to be holden the first day of June last; by these presents testify—that they have nominated appointed and commissioned the Hon. Wm. Drayton and the Rev. Wm. Tennant to go into the interior parts of this Colony at the public expense, there to explain to the people at large the nature of the unhappy public disputes between Great Britain and the American Colonies—to endeavor to settle all political disputes between the people—to quiet their minds, and to enforce the necessity of a general union in order to preserve themselves and their children from slavery; and that the said W. H. Drayton and W. Tennant may proceed in this business with safety and advantage to the public—all the friends of the liberties of America are hereby requested to afford them every necessary aid, assistance and protection.

By order of the Council of Safety.

HENRY LAURENS, *President*.

#### SOUTH CAROLINA—IN THE COUNCIL OF SAFETY.

Charles Town, 23d July, 1775.

GENTLEMEN,—In order to give you every necessary and proper support and protection in your progress into the country in execution of our commissions of this date, you are hereby authorized to call upon all and every officer of the militia and rangers for assistance, support, and protection; and they and each of them are hereby ordered to furnish such assistance, support, and protection, as you shall deem necessary.

By order of the Council of Safety.

HENRY LAURENS, *President*.

*Hon. W. H. Drayton.*

*Rev. Wm. Tennant.*

Ordered that the above Commission and powers be engrossed.

## COMMITTEE OF INTELLIGENCE.

[Printed Circular.]

IN GENERAL COMMITTEE, Charles Town, April 25, 1775.

*Resolved*, That the Hon. William Henry Drayton, Rev. William Tennent, Col. James Parsons, Arthur Middleton, Charles Cotesworth Pinckney, John Lewis Gervais, Roger Smith, and Thomas Heyward, jr., Esquires, be a Committee of Intelligence, to correspond with, and communicate to, the inhabitants of the interior and back parts of this colony, every kind of necessary information; and that they hire horses, and send expresses for that purpose, upon such occasions as they shall think proper.

[Copy from the Minutes.]

PETER TIMOTHY, *Secretary*.A CIRCULAR LETTER TO THE COMMITTEES IN THE SEVERAL DISTRICTS  
AND PARISHES OF SOUTH CAROLINA.

CHARLES TOWN, June 30, 1775.

FELLOW-CITIZENS :—This year will be a grand epoch in the history of mankind. In this conspicuous and ever memorable year, America has been abused, and Britain has disgraced herself, in an unexampled manner. All the guilt of all the English Ministers of State, from the reign of the First William, to the conclusion of the late war, does not equal the guilt that British Ministers have incurred since the latter period. The measure of their iniquity appears now full. They seem fixed in the pursuit of their plan to enslave America, in order that they might enslave Great Britain; to elevate the Monarch that has been placed on a Throne only to govern under the law—into a Throne above all law. But, Divine Providence has inspired the Americans with such virtue, courage, and conduct, as has already attracted the attention of the universe, and will make them famous to the latest posterity. The Americans promise to arrest the hand of tyranny, and save even Britannia from shackles.

In a former letter, we declared to you, that there was “but little probability of deciding the present unhappy public disputes, by the pacific measures we have hitherto pursued;” our ideas were just, and with the deepest grief, yet firmest resolution, we now announce to you, that the sword of civil war, is not only actually drawn, but stained with blood! The King’s troops have at length commenced hostilities against

this continent; and not confining their ungenerous attacks against men in arms defending their properties, they have slaughtered the unarmed—the sick—the helpless—having long indiscriminately oppressed, they have now massacred our fellow-subjects in Massachusetts Bay. Mark the event. These enormities were scarcely perpetrated, when the Divine vengeance pursued the guilty, even from the rising up of the sun until the going down of the same—the King's troops were discomfited—they fled before our injured friends—the night saved them from total destruction.

But, see in what manner the American civil war commenced; and we lay before you, the case as stated by General Gage on the one part, and by the voice of America on the other.

The General sent a detachment of about eight hundred soldiers into the country, to seize and destroy the property of the people of Massachusetts Bay. This detachment in their way to Concord, at Lexington saw “about two hundred men drawn up on a green, and when the troops came within one hundred yards of them (a situation out of the line of their march) they begin to file off.” The soldiers upon “observing this,” “ran after them, to surround and disarm them. Some of them, who had jumped over a wall, then fired four or five shot at the troops,” and “upon this,” the soldiers “began a scattered fire, and killed several of the country people.” Clear as it is, even from this State, that the King's troops, by running after, actually attacked the Provincials peaceably filing off; yet, General Gage has the integrity to entitle his narrative of this unfortunate affair, “a circumstantial account of an attack on his Majesty's troops by a number of the people of Massachusetts Bay.” But, men will cease to be surprised at this, when they are told the General makes no scruple to violate even a solemn engagement. After the General's defeated troops returned to Boston, he declared, that if the inhabitants of that devoted city would deliver up their arms, he would permit them to retire from the town, with their effects; they delivered up near three thousand stands of arms—and to this day, they are in shameful breach of the capitulation, detained in captivity patiently enduring the calamities of famine.

However, the voice of America thus describes the commencement of this unnatural war. About eight or nine hundred soldiers came in sight, just before sun rise, of about one hundred men, training themselves to arms, as usual; and the troops running within a few rods of them, the commanding officer called out to the militia, “disperse you rebels, damn you, throw down your arms and disperse.” Upon which the troops huzzahed—immediately one or two officers discharged their pistols—and then there seemed to be a general discharge from the whole



body. Eight Americans were killed upon the spot, and nine were wounded. The soldiers in a few minutes resumed their march to Concord; and there, speedily destroyed a considerable quantity of flour and other stores, belonging to the public. Another party of militia, about one hundred and fifty men, alarmed at such violence, had assembled near a bridge at Concord. The soldiers fired upon them and killed two men. It was this repeated act of deadly hostility, that roused the Americans to repel force by force. They now returned the fire—beat the King's troops out of the town, and compelled them to retreat to Lexington, where they met a reinforcement of one thousand fresh men and two pieces of cannon. The militia being by this time increased in their numbers, they soon dislodged the troops from this post, who, during the remainder of the day, made a precipitate retreat through the American fire, and gained a place of safety under cover of the night. In this battle of Lexington, the Americans had thirty-nine men killed and nineteen wounded. The King's troops lost two hundred and sixty-six men, killed, wounded and missing; and by subsequent accounts it appears, that in consequence of that action, General Gage's army has sustained a diminution of one thousand men, by death, wounds, prisoners, desertion, surfeits, and other incapacities of service. For, the troops being four-and-twenty hours on duty, marched—fought—and fled forty-three miles in that time, without the least refreshment. Let it be remembered, that these eighteen hundred British regulars, consisting of the picked men of the whole army—grenadiers—light infantry, and marines carefully prepared for the expedition—were defeated and driven by about twelve hundred American militia, brought to repel an unexpected attack, and marched in accidental parties upon the spur of the occasion. Let it be delivered down to posterity, that the American civil war, broke out on the 19th day of April, 1775. An epoch, that in all probability will mark the declension of the British Empire!

Such an important event as the actual commencement of civil war, caused the Convention of the Congress, on the first of June—in order, that some provision might be made against impending calamities. The Congress rose on the 22d instant; and it is our duty to inform you, and through you, the public at large, of the material transactions of this important session.

As a first step for our defence, it was thought expedient, to unite the inhabitants of the colony, “as a band in her defence against every foe;” and to this purpose, on the fourth day of June, immediately after the celebration of Divine service in Congress, an association was signed by all the Members present, solemnly engaging their lives and



fortunes. In the space of four days, the association was voluntarily subscribed by almost every inhabitant in Charles Town, and transmitted into the country.

For our more effectual defence, it was thought, a body of regular troops ought indispensably to be raised without delay—accordingly, the Congress voted two regiments of foot, consisting of fifteen hundred rank and file; and one regiment of horse, composed of four hundred and fifty privates. For this service, and contingent expenses for one year, the Congress voted the sum of one million currency. The levies are now raising, and the money is now issuing under the orders of the Council of Safety, in whom the Congress have not only vested the whole power over and direction of the regulars—the militia, who when called into service will be entitled to pay, and the Treasury,—but have “authorized” them “to do all such matters and things, relative to the strengthening, securing and defending the colony, as shall by them be judged and deemed expedient and necessary.”

The militia have power to form select companies of horse and foot, and to officer them; provided they have the approbation of the Council of Safety.

In order to form magazines of grain, an embargo has been laid upon all rice and corn.

To give proper force and effect to the resolutions, the respective District and Parochial Committees are impowered to take cognizance of, and to question those persons, who shall presume to violate or refuse obedience to the authority of the Congress; and to declare such persons “Objects of the resentment of the public.” This effectually exposes them to be treated as—enemies to the liberty of America.

The names of those persons who shall refuse to associate, are to be laid before the General Committee, who are to enquire of the parties touching their refusal.

Several resolutions of the present Continental Congress, have been recognized; one of them declares, “that no bill of exchange, draught, or order of any officer in the army or navy, their agents or contractors, be received or negociated, or money supplied to them, by any person in America.” And, that no provisions be furnished for the use of the British army in Massachusetts Bay, or for vessels transporting British troops or warlike stores for such troops to America, or from one part of it to another.

For the better defence of our liberties and properties, the absentees holding estates in this Colony are called home; and persons now in the Colony, are prohibited from departing without permission of the General Committee.

To endeavor to obtain pardon for our past offences, and to procure the favor of Heaven, the 27th day of July is appointed to be observed as a day of solemn fast, prayer and humiliation before Almighty God.

Experience having demonstrated that a long continuance of a representation of a free people is dangerous to their liberties; a new General Election of members of Congress, and of District and Parochial Committees, except for Charles Town, is ordered to be held on the eighth and ninth days of August next; the members are to serve during one year after their first meeting in Congress; and the present Committees throughout the Colony are to continue to exercise their functions, until the meeting of the new Congress.

And, to the end that his excellency the Governor might not receive any unfavorable impression of the conduct of the Congress; and that their proceedings might "stand justified to the world;" they presented to his excellency an address and declaration, that "the hands of the King's Ministers having long lain heavy"—and now presses us, "with intolerable weight"—"solely for the preservation and in defence of our lives, liberties and properties, we have been impelled to associate, and to take up arms." Your representatives in Congress, also, "conscious of the justice of our cause, and the integrity of our views," readily professed loyal attachment to our Sovereign, his Crown and dignity; and sensible of the public rights—the equal compact between King and people,—religiously determined to do their duty, and to trust "the event to Providence," "they generously and constitutionally declared, they preferred death to slavery.

Such have been the most weighty proceedings in the last session of Congress. They were "the result of dire necessity," and of cool, deliberate counsels, of which, the public good was the only object.

Your Representatives having taken such important and justifiable steps to place your lives, liberties and properties, in a state of some security against the iron hand of tyranny—do you second their laudable endeavors, and exert every faculty of body and mind, to discharge the great duty you owe to yourselves and to posterity. To this end, vie with each other in your endeavors to cause the resolves of the Congress to be punctually obeyed; and to bring to condign punishment, those, who, like paricides, shall dare to attempt to contravene the measures, which are now formed, to defend the liberties of your country.

Having thus endeavored concisely to represent the commencement of this cruel civil war; and the situation of our domestic polity, as some barrier against impending calamities—allow us to draw your attention to the progress of the war near Boston; and to the late advices from England.

After the action of Lexington, the people of the four New England Governments assembled near Boston, to the number of fifty thousand men; but, as they soon found that General Gage was resolved to keep close in his intrenchments, and knowing the General Congress was about to sit, they sent home almost their whole army; and reserved only about nine thousand men as a corps of observation; which, by posting themselves in lines near Boston, were sufficient to keep the General so much in awe, as to prevent his sending any more detachments into the country. In these positions the General waited for his expected reinforcements from England; and the American army for directions from the General Congress. Neither seemed to have any design of attacking the other. But, the Americans did not misspend their time. They sent off two small detachments, in the most private manner, from two different quarters; and after a march of upwards of three hundred miles, they, at the same instant, on the 10th of May, together surprised, entered and took Ticonderoga, and soon after Crown Point; two most important forts, that command the communication, by the great lakes, between Canada and the Sea Coast Colonies. By this expedition, the Americans have gained two hundred pieces of large cannon, five mortars, sundry howitzers, fifty swivels, and a considerable quantity of ammunition; and to secure these passes, they have garrisoned them with one thousand five hundred men.

During this time, the state of the positions at and near Boston, had not undergone any material change; and the people in the country thought there could be no illegality in considering their property still as their own, and using it accordingly. But, it seems the law in this case had undergone a material alteration, since a military Governor commanding a large army, had taken post in the unfortunate town of Boston. For now, to exercise the right of ownership over property, is to draw upon the party the fire of the King's troops. On the third day of this instant, about thirty men forded and landed upon Hog and Noddle's Islands, situated in Boston harbor, and about three miles from the town, in order to drive off some live stock which they had a right to remove. But they no sooner began to remove their property, than they were fired upon by an armed schooner and a sloop dispatched from Boston, and forty marines that were stationed upon the islands, to guard the stock against the lawful owners. However, the country people, notwithstanding this opposition, killed and removed part of the stock. By this time, they were attacked by a large number of marines sent from the men of war in the harbor; and during the action both parties received reinforcements; so that it is said, the regulars had one thousand men, and

the Americans seven hundred engaged. Notwithstanding such a disproportion, the Americans beat the troops off the islands, burnt the schooner, so disabled the sloop that they were obliged to tow her away—killed thirty of the enemy, wounded fifty—took four double fortified four pounders, and twelve swivels, and drove off the stock, without the loss of a man, having only five men wounded.

Flattering as the conduct of the brave men of New England has made the situation of the American cause; it would be injustice in us, silently to pass by the conduct of New York and Georgia. The first has now taken a decisive step, in support of the common cause. They have taken the spare arms from the regular troops that were there stationed—and they have put themselves in a formidable posture to receive about two thousand men daily expected to arrive there from England. The people of Savannah have just signed an Association; they have formed a Committee; and have summoned a Congress to meet on the 4th day of July—they have made generous collections for the relief of Boston—in short every appearance in that quarter prognosticates that Georgia will fully atone for her misconduct, owing to the little arts of a few misguided and unprincipled placemen.

If we state the substance of our advices from England, we need only say, that on one side stand our unfortunate and deceived Sovereign—his ministers of State—the profligate part of the nobility—and the corrupt majority of the House of Commons—these drag an army to blow up the blaze of civil war. On our side, the favor of the Almighty stands confessed—a Prince of the blood royal—the most illustrious, powerful and virtuous among the nobility—the most eloquent and popular men among the Commons—the City of London—the body of the English nation, are advocates for, and affectionate friends to the people of America—and liberty.

In a former letter, we acquainted you, that notwithstanding Lord North's conciliatory motion, as he termed it, on the 20th of February, by which, to screen us from military execution, his Lordship in effect very friendly demanded, that we should engage to tax ourselves in such sums—at such times, and for such purposes, as should be agreeable to Parliament, that is, in plain English, the Minister. A demand, which Governor Martin in a late false and scandalous Proclamation, bearing date the 16th day June, glosses over, by fraudulently stating it, that we are "required to tax ourselves by our respective General Assemblies, only our contingent proportions (of which he cautiously took care not to inform the public that they are not to judge) towards defraying the charge of the general defence of the British Empire according to our



circumstances and abilities (of which his excellency prudently avoided to mention, that the Parliament, or rather the Minister, was to be the only arbiter), and for our civil Government"—that is for such patriotic officers as his excellency: "The generosity and equity of which propositions," he very modestly adds, "can never be denied"—but which the Americans, with one voice, declare to be cruel, iniquitous, and inadmissible. We say, that we informed you, notwithstanding this conciliatory motion (made without the least serious intention of a proper reconciliation), a bill, on the eighth of March, passed the House of Commons, and received the royal assent on the thirtieth; by which, the New England Governments were cut off from their Fishery; "the natural claim of mankind to the gifts of Providence on their own coast, as especially entitled by their charters, which have never been declared forfeited;" by which law those governments are so restrained in their exports and imports, that, if they persevere in their loyalty to the confederated Colonies, they would be, as they now really are, cut off in effect from all manner of trade and be totally blockaded. We also told you, that "if the blockade of Boston alone, roused the whole continent to their rescue and support; how vigorously ought we to exert ourselves, now that four entire Provinces are blockaded!" But, if you were filled with just resentment, because your distant friends and compatriots were so oppressed with new injuries; how must you feel now, when the oppression is brought to your own door, and this colony is cut off from all manner of trade, equally with New England! By an Act of Parliament, passed the 13th of April, New Jersey, Pennsylvania, Maryland, Virginia and South Carolina, are deeply affected; and the British Parliament now attempt to compel the united Colonies to submit to slavery, not only by force of arms, but by a measure, which till now, has never disgraced the history of mankind. When the diabolical act respecting the New England Governments was in the House of Lords, the illustrious patriots there, made a protest against it, "because, to attempt to coërcé by famine, the whole body of the inhabitants of great and populous provinces, is without example in the history of this, or perhaps any civilized nation; and is one of those unhappy inventions, to which Parliament is driven by the difficulties which multiply upon us, from an obstinate adherence to an unwise plan of government." But, when this second famine Act passed the House of Lords, the patriots, now fully convinced of the inefficacy of argument, made their protest, without deigning to assign one reason—a silence more expressive and poignant than any form of words they could have arranged.

The Lord Mayor, Aldermen, and Livery of London, on the 10th of



April last, presented an address, remonstrance, and petition to the King, declaring "their abhorrence of the measures which have been pursued and are now pursuing, to the oppression of our fellow-subjects in America—measures big with all the consequences that can alarm a free and commercial people." And they tell the King, "they plainly perceive, that the real purpose is, to establish arbitrary power over all America." But, the Throne being surrounded by evil Counsellors, and the Americans being by them traduced to the Sovereign, he gave the following unfavorable answer to the city of London :

"It is with the utmost astonishment that I find any of my subjects capable of encouraging the rebellious disposition which unhappily exists in some of my Colonies in North America. Having entire confidence in the wisdom of my Parliament, the Great Council of the nation, I will steadily pursue those measures, which they have recommended for the support of the Constitutional rights of Great Britain, and the protection of the commercial interests of my Kingdom."

But, the wicked Ministers, not content with hardening, yet again, the King's heart against his American subjects, they persuaded him to outrage the rights of the city of London, because she stood before the Throne in favor of America. For the very day after, his Majesty caused it to be notified to the Lord Mayor, that he "will not receive on the Throne any address, remonstrance and petition, but from the body corporate of the city." And thus was it designed to prevent the Lord Mayor, Alderman and Livery of London from speaking to the King upon the subject of American calamities. The Lord Mayor in "extreme astonishment and grief" at this violation of a most important right of the city, was indefatigable in his researches into the law and records upon that subject; and in an excellent letter to the Lord Chamberlain of the King's household, in answer to the above notification by him, the Lord Mayor thus expresses himself :

"And therefore, I presume to lay claim, on behalf of the Livery of London, to the ancient privilege of presenting, to the King on the Throne, any address, petition, or remonstrance. In this manner have the addresses of the Livery constantly been received both by his present Majesty and all his Royal predecessors, the Kings of England. On the most exact research, I do not find a single instance to the contrary. This immemorial usage, in the opinion of the ablest lawyers, gives an absolute right; and is as little subject to controversy as any fair and just prerogative of the Crown. Other rights and privileges of the city have been invaded by despotic Monarchs, by several of the accursed race of the Stuarts, but this is no part of our history. It has not even

been brought into question, till the present inauspicious era. I have an entire confidence, that a right left uninvaded by every tyrant of the Tarquin race, will be sacredly preserved under the Government of our present Sovereign, because his Majesty is perfectly informed, that in consequence of their expulsion, his family was chosen to protect and defend the rights of a free people, whom they endeavored to enslave.

“Important truths, my Lord, were the foundation of the last humble address, remonstrance, and petition to the King, respecting our brave fellow-subjects in America. The greatness as well as goodness of the cause, and the horrors of an approaching civil war, justified our application to the Throne. I greatly fear, your Lordship’s letter immediately following his Majesty’s unfavorable answer to the remonstrance, will be considered as a fresh mark of the King’s anger against our unhappy brethren, as well as of his displeasure, against the faithful citizens of his capital.”

Thus, fellow-citizens! it is evident, by the clearest demonstration, that our rights are not to be recovered by humble addresses, remonstrances, and petitions to the Throne. Meditate upon the King’s late answer—reflect upon the immediate outrage to the City of London. Say, does not the one exclude every ray of hope of an equitable accommodation by peaceable application—is not the other a lesson *in terrorem* to such of our friends in England, as may be inclined to intercede in favor of America! But, difficulties ever animated and invigorated those who had virtue to stand up in defence of public rights; and success almost ever attended such a conduct. We are now to act in defence of all that is held dear and valuable—Americans! let us at least approve ourselves worthy of enjoying the rights of mankind!

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APPLICATION FROM OUR MEMBERS IN CONGRESS FOR GUN-POWDER,—JULY 1ST, 1775,—ADDRESSED TO THE SECRET COMMITTEE, W. H. DRAYTON, A. MIDDLETON, C. C. PINCKNEY.

[Original MS.]

PHILADELPHIA, July 1st, 1775.

GENTLEMEN:—By direction of the Continental Congress, we have sent the vessel by which this goes, to procure from you a quantity of gun-powder for the use of the armies actually in the field for the service of America. The frequent severe skirmishes in the neighborhood of

Boston have so exhausted their Magazines that an immediate supply is absolutely necessary.

We entreat you to purchase all that can be bought in town, and to dispatch this vessel with it for this place as soon as possible; together with as much as can be spared out of the public stock without danger to your own safety.

Should there be any damaged powder on hand, please send it also, as it may be recovered here.

By one of the resolutions enclosed to the General Committee you will see that it is recommended to the southern colonies to secure all the saltpetre that can be got as well from the stores as from private persons, which, as you have no powder mills erected or persons skilful in making gun-powder, we would advise may be sent to be manufactured here.

Should you be able to send more than four thousand weight of powder we would wish the overplus may be sent by some other opportunity.

In order to prevent suspicion we have sent bushels of indian corn in this vessel which may be sold or exchanged for rice, in which the casks of powder may be concealed so, perhaps, as to prevent suspicion, should she unhappily be unable to avoid being overtaken by a cruizer.

The utmost secrecy and dispatch are absolutely necessary.

As large quantities of powder will be wanted we strongly recommend that you continue to import all that you can, and think it probable that large quantities might be got from the government of the Havana, as we can find no application there from any of these Colonies.

We are, gentlemen,

Your most obedient servants,

HENRY MIDDLETON,

THOS. LYNCH,

CHRIST. GADSDEN,

J. RUTLEDGE,

E. RUTLEDGE.

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LETTER FROM W. H. DRAYTON.

[MSS. of C. Gadsden.]

CHARLESTOWN, S. C., July 4th, 1775.

GENTLEMEN:—By direction of the Council of Safety, I dispatch a pilot boat to inform you of the good posture of our affairs, which it is to

be hoped will encourage you to look upon us as fully resolved to execute whatever shall be determined upon by the General Congress. Two Regiments of horse and foot are nearly completed, and make a good appearance. The men are well sized, and their arms are in good order, and we have the pleasure to inform you that they are well supplied with ammunition. As to our apprehensions of the negroes and Indians, they have all passed over. Indeed, we now find that we had nothing to fear from the former, and the latter show the most friendly disposition towards us, and give us the strongest assurances of their fidelity to our interests. We do not wish you would send us any advices by sea, lest they should fall into the hands of enemies to the liberty of America, but we hope you will continue to send your dispatches by land. Wishing success to your deliberations, I have the honor to subscribe myself,

Gentlemen, your most obt. servt.

WM. H'Y. DRAYTON.

*To the Delegates of South Carolina at Philadelphia.*

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#### LETTER FROM THE COMMITTEE OF INTELLIGENCE.

[MSS. of C. Gadsden.]

SOUTH CAROLINA, July 4th, 1775.

GENTLEMEN :—The enclosed is a copy and extracts of letters which fell into the hands of the Secret Committee, who laid them before the Council of Safety. They are thought to be of so great importance, that the Council have desired the Committee of Intelligence to transmit them to you, not only by sea, but through Committee conveyance by land. They seem to give some light on the real intentions of the Administration, and thereby you may in some degree be enabled to guard against its machinations. We have also transmitted proper copies of them to North Carolina and Georgia, and we have desired the former colony to forward to you our duplicate of this. We also enclose to you some copies of our circular letter to the Committees of this Colony. This day the Provincial Congress of Georgia is to sit in Savannah; it is thought they will make ample amends for their past conduct—indeed there is no doubt of it. Our own affairs continue in a good posture. The Regiment of horse is nearly completed, and the Regiments of infantry are in great forwardness. At present between two hundred and three hundred garrison the barracks, and we mean immediately to establish a fortified

post at Dorchester. The Council of Safety will go there on Thursday to reconnoitre the situation.

We have the honor, to be, gentlemen,

Your most obt. and most hum. servts.,

WM. H'Y. DRAYTON,

WM. TENNENT,

THOS. HEYWARD, Jr.,

ROGER SMITH,

JOHN LEWIS GERVAIS,

*Committee of Intelligence.*

P. S.—This goes by a pilot boat, which we have sent express on this occasion. You will, therefore, dispatch her back with all expedition, and we hope you will not fail to transmit every intelligence in your power. I have written and delivered to Joskey a letter of no importance, that he may have something like a dispatch to show to any *military* enquirer.

W. H. D.

*To the Delegates from South Carolina at Philadelphia.*

#### ORDERS AND COMMISSION TO CLEMENT LEMPRIERE, ESQ.

##### SOUTH CAROLINA—IN THE COUNCIL OF SAFETY.

Charles Town, July 24, 1775.

*To Clement Lempriere, Esq.*

The Council of Safety elected and chosen to be holden on the first day of June last,—By these presents testify, that Clement Lempriere, Esq., has been and is hereby appointed and commissioned to command in the sloop Commerce belonging to New York, and over all and every person and persons engaged to embark on board the said sloop, under the authority of the said Council of Safety. And the said Clement Lempriere is hereby ordered to proceed to such places and to take such measures as he shall think most proper, to procure gun-powder, for the public of this colony, which when he shall have procured, he is ordered to convey to this colony with all possible dispatch. It is also, hereby, declared, that if any commander or officer, under the King's authority shall in any degree ill-treat the said Clement Lempriere or any of his company, the King's officers now in our power shall be treated with equal severity, of which all persons are required to take due notice.

Given under the authority and by order of the Council of Safety.



Ordered, That the foregoing Commission, be engrossed, sealed, dated, and signed by the President, and by him delivered, sealed up, to Capt. Lempriere, with orders not to be opened until he shall be arrived in sight of the Island of New Providence.

All which was accordingly executed.

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IN THE COUNCIL OF SAFETY.

Thursday, 25th July, 1775.

The Council met.

PRESENT,—Col. Henry Laurens, President; Col. Pinckney, Hon. Mr. Drayton, Mr. Middleton, Mr. Brewton, Mr. Benj. Elliott, Hon. Mr. Lowndes, Col. Parsons, Mr. Ferguson, Mr. Bee, Mr. Williamson, Mr. Heyward.

*Resolved*, That the following orders and Commission be given to Capt. Lempriere.

SOUTH CAROLINA—IN THE COUNCIL OF SAFETY.

Charles Town, July 25, 1775.

*To Clement Lempriere, Esq.*

The Council of Safety elected and chosen by the Provincial Congress begun to be holden on the first day of June last, by these presents testify, that Clement Lempriere, Esq., has been and is hereby appointed and Comuissioned to command in the sloop Commeree, belonging to New York, and over all and every person and persons engaged to embark on board the said sloop on the intended voyage, under the authority of the said Council of Safety. And the said Clement Lempriere is hereby ordered to proceed forthwith, with all convenient dispatch, to the Island of New Providence, on that island to seize, and from that island to embark on board the said sloop, all such quantity of gun-powder as he shall find and be able to take on and from the said Island, and then forthwith to return to this Colony, and put into Tucker's Creek, Tucker's Island, North Edisto, and from thence to give notice to the said Council of Safety of his arrival with all possible dispatch; and if the said Clement Lempriere, shall not be able to seize any considerable quantity of gun-powder in the island of New Providence aforesaid, he shall then proceed to such places, and take such measures to procure gun-powder, as he shall think most proper, and then to proceed to

Tucker's Creek aforesaid, and thence to give due notice as aforesaid. And for so doing this is your warrant.

By order of the Council of Safety.

HENRY LAURENS, *President.*

# CAPT. LEMPRIERE'S JOURNAL—SLOOP COMMERCE.

[Original MS.]

## MEMORANDUMS ON BOARD OF THE SLOOP COMMERCE.

1775. July 24. Our voyage towards New Orleans commenced.

25. Took on board our stores of provisions, &c.

26. Sailed over the bar with the wind at north-east; and rain at 6 P. M.; anchored at South Edisto.

27. Fresh gales with thunder squalls and a great deal of lightning; weighed and sailed up Port Royal Creek, where we anchored.

28. It continued to blow hard, with rain; we got through Port Royal Creek, and came too at the town, and landed our stores in order to clean.

29. We hauled on shore, and cleaned, and in the evening hauled her off again.

30. Took on board our stores, and got ready to sail; fell down the river a little.

31. Sailed from Port Royal with the wind at south and turned down to Jenkin's landing.

August 1. Got under way and turned through Skub Creek and came too at Callabage.

2. Sailed out of Tybee with the wind at south, turned to windward at meridian; observed in latitude  $31^{\circ}45'$ .

3. Still plying to windward with the wind at south; latitude observed  $31^{\circ}28'$ .

4. Fine settled weather, wind southerly beating to windward; latitude observed  $31^{\circ}09'$ .

5. Fresh breeze and thunder squalls, wind southerly; latitude observed  $30^{\circ}51'$ .

6. Fine settled weather with fresh gales, latitude observed  $29^{\circ}55'$ .

7. Made the Matanzas at night, came too under the fort in seven fathoms water, and rode all night; at 6, A. M., got under way and run down towards the bar of St. Augustine, where we saw a sail at anchor

off the bar, we run down to her and hailed her, and found her to be the brigantine Betsy, commanded by Captain Alvere Lofthouse from London, we boarded her with our sloop and upon strict search found on board of her a large quantity of gun-powder, of which we took one hundred and eleven barrels, one half-barrel and thirty small kegs. Said vessel had on board of her twelve soldiers from the shore, eight seamen, the captain, two mates and steward, which was in number twenty-three men; and our number was twenty-one whites and five blacks. Our situation was such on this occasion that we thought it most prudent to bribe the men, which we did with one hundred pounds currency, and the Captain accepted a draught for one thousand pounds sterling for the powder drawn on Mr. John Edwards of Charlestown, and at half-past 11, A. M., after spiking up two pieces of cannon that was mounted on board said brigantine, we reëmbarked our men and made sail with a light air at E. N. E., the wind veered to the northward at 4 P. M., we passed the river St. Wans and passed a small boat stretching to the southward.

8. Turning to windward with the wind at N. E.; squally with rain; latitude observed,  $31^{\circ}26'$ .

9. Fresh gales at N. E.; plying to windward, with all sail set and a growing sea; latitude observed  $31^{\circ}50'$ .

10. Light breezes of wind; set square-sail and top-sail, and made Tybee Tower, and we steered in at it through Scub Creek, and came too in Port Royal Creek; latitude observed  $31^{\circ}50'$ . Got under sail, and at 10 A. M., we came too at Port Royal, and dispatched away an express to Charlestown, and at 3, P. M., we landed the powder.

11. Fine settled weather with the wind to the westward.

12. Showery and thunder squalls at anchor at Port Royal.

13. Ditto weather.

14. Ditto weather.

15. Showery and thunder squalls, and express from Charles Town arrived with an account of the Governor's Sloop being in pursuit of us.

16. Squally weather with a great deal of rain; sundry companies of militia and light infantry came to town from the different Islands to guard the gun-powder.

17. Ditto weather. Our Express arrived from Charles Town and brought with him a detachment of the Artillery in order to escort the gun-powder to Charles Town.

18. Received on board of the Success, ninety-one barrels of powder and got in readiness to sail, at 10, A. M., Captain Cattel arrived in town with sixty men of the provincials, and offered to join us to protect the gun-powder to town, which we accepted of.

19. Got all in readiness to sail; and at meridian we weighed anchor and sailed through Port Royal Creek, and run down as low as Morgan's Island, when we came to, with our small squadron, consisting of nine sail and rode all the night.

20. At 6 A. M., we got under way, and sailed down towards Otter Island, and fell down to South Edisto Inlet to wait the flood at 11, A. M., we weighed and towed up towards Fenwick's Bluff, where we came too, to wait the tide, and water the vessel, in company with the different detachments, at midnight got under way again and towed up.

21. Towed up to Block Island and down to Slann's Bluff, where we waited the tide and cooked provisions at 4, P. M.; we run down to White Point and came too, to wait tide to New-cut.

22. Got under way and towed up and through New-cut, and down to Wappoo, and there waited tide, to come through; at 4, P. M., we got under way and run into the cut and towed through and came to anchor in Ashly river and lay all the night.

23. Got under way and towed up Cumming's Creek, and at 6, A. M., we came to the Bluff where we landed ninety-one barrels of gun-powder.

JOHN HATTER.

THOS. FLETCHALL TO PRESIDENT OF COUNCIL OF SAFETY.

[Original.]

FAIRFOREST, Monday, July 24, 1775.

HONORED SIR:—I received yours dated the 14th ult., wherein I am informed, that many reports have been maliciously asserted against me to the Committee of this Province, which I can make appear to be false. I received a letter from Messrs. John Caldwell, John and James Williams, who is said to be committee men, dated the 4th of this instant, requesting me to call my regiment together, in order to sign the Association paper. Accordingly, on the 13th of this instant, I did in obedience to those gentlemen, and went to every Captain's company that was in the regiment, when drawn up, and requested Major Farry to read the paper to every company, which accordingly was done. I don't remember that one man offered to sign it, which was out of my power to compel them too; but that it was agreed amongst the people in general to sign a paper of their own resolutions, and that application was made to Major Joseph Robinson, who was then present to draw a paper of some resolves, which the people in general did sign unto, from Savan-

nah river to Broad river, which consisted of my regiment, Col. Stark's regiment, and part of Col. Savage's regiment. I must inform you, sir, there is some of our highland gentlemen who are very aspiring and fond of commission; thinking to get in favor with the gentlemen in town, will say any thing but the truth, and when they are as well known in town as they are in the country, I believe they will be of my opinion. In fact, we never had any representatives, not one man in fifty ever gave any vote for any such thing. You seem, sir, to intimate to me that I should have joined, but the thought of losing my commission seem to deter me. As for my commissions, I care not who has them; a man that is to be bought by a commission, is not worthy of one, although that is the price of many. I must say this in favor of myself, I never have concurred in those matters now in hand, knowing I was not calculated for such an enterprise; but must inform you, sir, I am heartily sorry that I am looked on as an enemy to my country, I wish you may have no greater reason to complain against some than you little suspect, than you have against me. But, in the mean time, I must inform you, sir, I am resolved, and do utterly refuse to take up arms against my king, until I find it my duty to do otherwise and am fully convinced thereof.

I am, sir, your honor's most obedient and humble serv't.,

THO. FLETCHALL.

*Hon. H. Laurens.*

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COL. MOULTRIE TO COL. GADSDEN.

[MSS. of C. Gadsden.]

NEW YORK, July 28th, 1775.

DEAR SIR:—I am forced from Carolina to seek for health in this happier climate, and was desired by Col. Huger to mention to you that there are thirty-five Epauletts wanted for your Regiment; also fifes and drums. He begs that you will send them by the first opportunity. I saw Mr. Ferguson an hour before I came away; he says all his family are well. No news in Carolina but a confirmation of Maitland's being taken in Georgia with fifteen thousand weight of gun-powder.

Sir, with great respect, yours, &c.,

WM. MOULTRIE, jr.

Our recruiting parties meet with great success. We had in barracks when I left Carolina about four hundred men.

*To Col. Gadsden of the Continental Congress, Philadelphia.*



AGREEMENT BETWEEN W. H. DRAYTON AND ISAAC CATON FOR  
GUNPOWDER.

[Original.]

SOUTH CAROLINA.

It is hereby covenanted and agreed by and between William Henry Drayton on the part of this colony, on the one part, and Capt. Isaac Caton on the other part in manner following, viz: that for all such quantities of gun-powder not exceeding twenty thousand weight, as the said Capt. Caton shall import into this Colony and deliver to the said William Henry Drayton or his order on or before the fifth day of November next, he, the said William Henry Drayton shall, for the powder aforesaid, delivered as aforesaid, pay to the said Isaac Caton, the full value thereof at the rate of eighteen shillings currency for each pound of powder delivered as aforesaid. In witness whereof, we have hereunto, interchangeably set our hands, this twenty-eighth day of July, one thousand seven hundred and seventy-five.

WM. H'Y. DRAYTON.  
ISAAC CATON.

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COL. THOMSON TO W. H. DRAYTON.

[Original.]

CAMP TWO MILES BELOW KEOWEE, Aug. 4, 1775.

SIR:—I received your Excellency's favors of the 26th and 27th ult. by express. In my last letter to your Excellency of the 31st ult., I informed you of my spies, being returned with two white persons, who gave an account of Cameron's being arrived from over the Hills with twelve white men, and that he with the Seneca and other Indians, were encamped at Oconee Creek, about thirty miles distant from Twenty-three Mile Creek, where I then lay encamped; this intelligence induced me to march immediately to attack their camp before they could receive any information of my being so far advanced, I accordingly marched about six o'clock in the evening, with thirty-three men on horseback, (taking the two prisoners with me to show where the enemy were encamped, and told them before I set out if they deceived me, I would order them instantly to be put to death) intending to surround their camp by day-break, and to leave our horses about two miles behind with a party of men to guard them; the river Keowee lying on the route, and only passable at a ford at Seneca, obliged me (though much against

my inclination) to take that road; the enemy either having discovered my march or laid themselves in ambush with a design to cut off any spies or party I had sent out, had taken possession of the first houses in Seneca, and posted themselves behind a long fence on an eminence close to the road where we were to march, and to prevent being discovered had filled up the openings bewixt the rails, with of and corn blades; they suffered the guides and advance guard to pass, when a gun from the house was discharged (meant as I suppose, for a signal for those placed behind the fence, who a few seconds after poured in a heavy fire upon my men), which, being unexpected, staggered my advanced party. Here Mr. Salvador received three wounds, and fell by my side; my horse was shot down under me, but I received no hurt. Lieut. Farar, of Captain Prince's Company, immediately supplied me with his. I desired him to take care of Mr. Salvador, but before he could find him in the dark, the enemy unfortunately got his scalp, which was the only one taken. Capt. Smith, son of the late Capt. Aaron Smith saw the Indian, but thought it was his servant taking care of his master, or could have prevented it. He died about half after two o'clock, in the morning, forty-five minutes after he received the wounds, sensible to the last. When I came up to him after dislodging the enemy, and speaking to him, he asked whether I had beat the enemy, I told him yes, he said he was glad of it, and shook me by the hand, and bade me farewell and said he would die in a few minutes. Two men died in the morning, and six more who were badly wounded I have since sent down to the settlements, and given directions to Dr. DeLaHowe and Russell to attend them. I remained on the ground till day break and burnt the houses on this side the river and afterwards crossed the river; the same day reduced Seneca entirely to ashes. Knowing that the Indians would carry immediate intelligence of my strength to the place where Cameron lay encamped, who would directly move from thence, and having ordered the detachment from Col. Neil's and Thomas' Regiment to attack and destroy Estatoe and Taxaway and join me at this day at Sugar Town obliged me to march that way, which this day a strong detachment consisting of four hundred men has totally reduced to ashes, only one Indian was found there, who said the enemy had deserted the town four days ago, on hearing by a white man, that an army was advancing against them.

[Extract from Drayton's MS.]

“The white prisoners gave account that Cameron had a few days before come from over the Hills with 13 white men and had encamped at a



## FROM DRAYTON AND TENNENT.

CONGAREE STORE,\* August 7th, 1775.

*To the Council of Safety.*

GENTLEMEN :—Having left Charles Town on Wednesday morning, we arrived here early on Saturday afternoon, 130 miles distant from town. In our way, we spent some hours at Col. Gaillard's,† and we flatter ourselves the visit had a good effect. It is to be hoped, he has not delivered himself in public so warmly, as he has expressed himself to us.

Upon our arrival at the Congaree Store, we found two gentlemen of the bar, John Dunn, and Benjamin Booth or Boote, prisoners from North Carolina, who had arrived here the evening before, from the committee at Camden. For other particulars on this subject, we beg leave to refer you to our letter of this date addressed to the General Committee.

As a first step to the particular object of our progress, upon our arrival here, we despatched notices to particular persons of influence among the Dutch, to endeavor to procure a meeting of them at the place of election as on this day. To our great mortification not one German appeared, but one or two of our friends who had been industrious to procure a meeting. By them we were informed, their countrymen were so much averse to take up arms, as they imagined, against the king, least they should lose their lands; and were so possessed with an idea, that the rangers were posted here to force their signatures to the association, that they would not by any arguments be induced to come near us. Add to this, that a report had ran among them, that we had brought up orders to let the rangers loose upon them to destroy their properties. However unfavorable these circumstances are, we hope you will not be alarmed at them; we yet have some hopes of success, though we confess they are but small in this quarter.

We have engaged Col. Thomson to order a muster of two Dutch companies in this neighborhood on Wednesday next, and we have declared if the officers disobey they shall be broke. This threat was highly necessary, as the Dutch Captains had some little time ago disobeyed such an order, alledging that extra musters were warranted only by orders from the Governor. We hope this step will oblige a part of the Ger-

\* This was situated just below the large ditch, which crosses the road a few hundred yards below Granby.

† This was Tacitus Gaillard who lived in St. Mathew's Parish, about the Eutaws, and was then a member of the Commons House of Assembly.

mans to give us a hearing; and as we flatter ourselves that our discourses to them will not be entirely lost upon them, we expect these will induce others of their countrymen to be willing to hear what we have to say. With this view, and to give such persons an opportunity of hearing us; we have engaged one Dutch clergyman to perform service at one place on Friday next, and another, at a second place on Sunday next, at both which places Mr. Drayton will be present. And in the mean time, as we know in general, that an argument relating to money matters most readily catches a Dutchman's ear, we have declared that no non-subscriber in this settlement will be allowed to purchase at, or sell to this store or Charles Town. When Mr. Drayton shall quit the Dutch settlements on Sunday next, after having had on Saturday a meeting with a large number of people of all sorts, at one McLaurin's, a store keeper, hitherto an enemy, but now, at least in appearance, a friend, he will proceed up the fork to Col. Fletchall's, at which place he may arrive on Tuesday. While Mr. Drayton shall be thus proceeding in the fork between Broad and Saluda rivers, Mr. Tennent will, on Wednesday set out to proceed through the Irish settlements on the north side of Broad river up to Rocky Creek and thence join Mr. Drayton at or near Col. Fletchall's. Those settlements are numerous and ready to sign the Association.

We have various accounts respecting the disposition of the people in Fletchall's quarters; some say we will not be heard. Indeed, we expect much trouble; however, we flatter ourselves that we shall one way or other meet with success. We have dispatched proper persons before us, who we doubt not will much contribute to prepare the minds of the people to hear us favorably. Mr. Hart has just come up to us with another clergyman of his persuasion. These gentlemen will to-morrow proceed towards Fletchall's quarters.

We have consulted with Col. Richardson touching Mr. Sumter's application to the Council. The Colonel readily approved not only of the measure, but of the man, notwithstanding Kirkland recommended him as his successor in the company of Rangers, which he has so treacherously quitted and attempted to disband. The Colonel, nevertheless, from his seeming connection with Kirkland, purposes to keep a sharp eye upon Mr. Sumter's conduct.

Yesterday Mr. Tennent performed divine service in Camp; and in the afternoon Mr. Drayton harrangued the Rangers respecting the new and extraordinary power by which they were raised; the nature of the public disputes, and the justice of the cause in which they were engaged; the nature of their allegiance to the King and their duty to



their country, their families and themselves; their duty and obligation to oppose and attack any British troops landing in this colony; their honor was awakened by contrasting their personal value and importance against the importance of the British troops; their complaints respecting provisions were entered into, and they were assured the public meant to do all that could be done for them consistently with the nature of discipline and the calamitous situation of affairs; they were informed that the public could not so much dishonor them as to imagine they had enlisted merely for pecuniary gain, but persuaded that they being actuated with a nobler motive, all men were willing to believe, that they without wishing to be at ease in every respect, as in a regular service under an established and quiet Government, did not, as they could not in honor or conscience, desire more than absolute necessities. And that, if they thought it a hardship to go abroad to procure provisions, the Council were ready to save them that trouble by deducting a reasonable sum from their pay, and supplying them with provisions in the manner in which the foot were furnished. They had grumbled about tents, and were now informed that the British troops in America during the last war, not only generally used but preferred huts made of bushes. Finally, encomiums were passed upon the progress they had made in the art military, and it was recommended to them in the strongest terms to pay the most perfect obedience to their officers, as the only means by which they could become good soldiers, and to defend those liberties and rights which they appeared so willing to protect. Hitherto there has been but little subordination.

To these things Mr. Tennant added assurances of the value of Congress currency which many people had endeavored to depreciate in the opinion of the soldiers, and he read and commented upon the declaration of the General Congress.

These things being finished, we left the camp in apparent quiet satisfaction and content, the men on being discharged expressing their thanks to us. But about midnight, an officer stole from the camp (about two miles off\*) and gave us the most alarming intelligence that a most dangerous mutiny had broke out in, and prevailed throughout the whole camp, in which there was no longer any command or obedience; that the men were in an uproar at the idea of a deduction of their pay, for they had in general been promised provisions above their pay, and they were determined to quit the camp this morning and disband. Col. Thompson and Capt. Kershaw lodge with us; they were willing to do

\* At the Congaree Creek, below Granby.

any thing that was thought proper. We consulted with them upon the case, and it was thought most advisable not to take any step in the night or for either of those officers to go to the camp; but that time should be allowed for the men to cool, and for the three Captains and other officers in camp to sound the men, and learn who would be depended upon. This measure had the effect we expected, and this morning the men appeared quiet, and it became evident that the disorders arose from three or four privates of profligate dispositions, and from improper conduct, declarations, and conversations of some officers. Capt. Woodward had incautiously at enlisting his men, made promises which proved grounds of discontent and disappointment, and yesterday had even the rashness to attempt to be spokesman to us in the hearing of the Rangers in favor of their being found above their pay; and Lieutenant Dutarque, also attempted to inveigh against the cruelty of keeping men encamped without tents. Such topics had by these officers frequently been touched upon heretofore, but we have privately given them a lecture upon the subject, and we hope as they heard us in a proper manner, that it will have a good effect. From such sources, however, it is plain the disorder of last night arose. The Rangers were this morning marched from camp to this place, where Mr. Drayton harrangued them upon the disorder of the last night, attributing it to a few disorderly persons, who in this the first instance, would by the Colonel be passed over unnoticed, in hopes such lenity would work a reformation in them. The consequences of a mutinous conduct were described as tending to expose them to the derision of their neighbors and enemies, and to cover them and the whole corps with shame, contempt, infamy and ruin, without effecting the public service; for, if they should prove unworthy of the service, they would certainly be brought to condign punishment, and other and more worthy rangers be found to supply their places. For they ought not to flatter themselves, that because some parts of this country were disaffected, that therefore they could desert and be in places of security. If any should desert they must some time be off their caution and guard, and then they would be seized, for a reward would be put upon their heads—no money would be thought too much to ferret them out wheresoever they should go; and dead or alive they would certainly be carried to Charles Town. The situation of America was placed before them. On one side of the question stood almost infinite numbers, supported by wealth and men of learning and abilities to plan and execute measures to overcome their opponents, who, of the Americans were only a few men of little property and less knowledge and abilities to conduct affairs; and they were asked, if they could pos-

sibly think there was any safety among such men. The obligation of their oath was strongly insisted upon; and as to provisions, it was declared that the officers would endeavor to encourage people, of whom many were willing to supply the camp; in which case the soldiers should purchase as they pleased in camp, where, when there were any provisions they should not be allowed to go abroad to seek what they could find at home. They were told, they were not now to look for rewards, but that they must expect them when these troubles were over. For, as in the mean time it would be known who among them behaved with due obedience, and who conducted themselves otherwise; so, all these things in time to come would be remembered by the gentlemen below, who would in private affairs shew to the first all kinds of favors and acts of friendship whenever opportunities should offer; and they would carefully mark the latter, and discountenance and thwart them upon every occasion. This discourse we flatter ourselves had a full effect. They were called upon to say what they pleased; except three men, they were all well satisfied and contented, and showed the most perfect submission. These three were properly checked, and the worst of them severely reprimanded and spoken to in private.

We have thus given a particular account of our conduct to the troops and the nature of our discourse to them; by which, you will be enabled to have an idea of the method in which we purpose to discharge the duties of our journey. If we have done any thing amiss, or have been deficient in treating the subject, be pleased to make your observations and we shall endeavor to conduct ourselves accordingly.

As well to remove the apprehensions of the Dutch settlers as those of the interior parts, that the Rangers were posted here to force measures; and to remove every idea that we came up to issue orders to plunder and lay waste, as well as to allow the soldiers to go home to places of election, and to procure necessaries, and to shew that we place a confidence in their good behavior, we have this day broken up the camp and sent them to their respective homes under their officers, with orders to repair to a new camp in Amelia about thirty miles below this, and to join there on the 18th inst., at which place Maj. Mason is likewise under orders to appear at the same time with Capt. Purvis' Company. For the Major's personal presence in 96 is of disservice to the public affairs.

We find that Moses Kirkland is gone to town to the Governor; we have issued private directions to apprehend him in his return home, in hopes of taking upon him some papers from the Governor, as it is generally suspected he has gone to procure proper authorities from Lord

William to counteract and oppose the provincial proceedings. Whether he has these papers or not, he will, if taken, be carried to you; for, if upon searching him, no papers shall be found, it may be of evil consequence to set him at liberty to continue his journey home; for, as he is very active in poisoning the minds of the people, he will greatly interrupt our proceedings to compose them. At any rate, he ought to appear before you to answer for his conduct in disbanding his men; and such a step will have good effect, as it will show vigor in government, and will have no tendency to alarm the non-subscribers up here, because Kirkland, from his own act and consent is amenable to the law military. With regard to Capt. Polk, we are at present silent, but we hope you will not delay to fill up Captain's Commissions for those two vacancies, by promoting the two eldest first Lieutenants, as in such a case Mr. Heatly will speedily procure full compliments of recruits for and himself. We also beg leave to inform you that a Surgeon's mate is necessary for the Rangers, although there is no provision for such a post by particular act of Congress, yet it may arise from your power, as such an officer is, in our opinion and the Colonel's, necessary for the service. We beg leave to recommend Lieutenant Thomas Charlton, a man of experience and reputation in physic, and who came into the corps under an idea, that there was provision for such an appointment. He is worthy of the first post in that line in the Regiment; but being willing to serve the public in this cause, he is content with the last rank in the way of his profession.

We are like to incur a heavy expense in horses. For Mr. Hart and ourselves five were purchased in Charles Town. One of these we have been obliged to swap, giving £20 to boot. Three others have failed so much that we are obliged to purchase others, and leave these with Col. Thomson to dispose of, at the best rate. We shall draw upon you for these three to be purchased, as we do not chose to make so large a disbursement out of the sum in our hands, as also for two others, to accommodate Mr. Hart's companion and Mr. Tennant's excursion. These horses are good, and in all probability will sell after we have done with them, for more money than they have cost the public.

We are gentlemen,

Your most humble servts.,

WM. H. DRAYTON,

WM. TENNENT.

P. S.—The Rangers perform their exercise at least as well as the Regulars in Charles Town; and we have taken the liberty to open a public letter to Col. Laurens from Col. Fletchall.



## FROM MR. DRAYTON.

[Original MS.]

CONGAREE, August 9, 1775.

*To the Council of Safety :*

GENTLEMEN :—This afternoon Mr. Tennent and Col. Richardson sat off upon their progress on the north side of Broad River. Mr. Kershaw, who came from Camden to-day, remains to continue the progress with me, through the fork between Broad and Saluda rivers.

Last Monday, Mr. Tennant and myself gave you an account of our conduct until that day inclusive ; I have now the honor to continue the diary, by which you will see, that, at least, we do not allow our time to pass unemployed in the service upon which we have been sent.

Yesterday, being Tuesday, we went over the Congaree river some miles to an election ; to which some evil disposed persons purposely went to do what mischief lay in their power. Mr. Tennant and myself spoke a considerable time ; and I have the pleasure to inform you, that we gave at once general information and satisfaction ; for we had the good fortune to speak so as to be universally understood. In short, those who came with an intent to disturb the meeting, became converts and cheerfully signed the Association. And, the election being finished, the people formed themselves into Volunteer Companies.

This day we procured a German audience by the means of a muster by the order of Col. Thomson, of which we informed you in our last. During our discourses, the falling tears from the audience showed that their hearts were penetrated, and that we might hope for success. In conclusion all who were present signed the Association, except fifteen persons, who mildly desired, nay begged to consider of the affair until Friday, when they would certainly meet me at the place of divine service. They have since assured me they will then subscribe. All persons joined in the election, which we judged it necessary to postpone yesterday and the day before, as no persons appeared ; and as we judged we had authority so to do, as such a proceeding tended to compose the people, and bind their obedience to the measures of the Congress by giving them an opportunity of electing Representatives after they understood the nature of the dispute in which the British Empire is engaged. I expect a large meeting on Friday next, when I expect equal success ; by which the whole Congaree settlement will be made parties in our proceedings. I shall then attend two larger assemblies of the people on Saturday and Sunday ; and I have now no doubt of suc-



cess in the Dutch settlements. Summer and Neuffer passed by this place yesterday, and continued their route into the Fork, and into those parts where I shall be on Saturday and Sunday.

I inclose an affidavit, by which Kirkland, I make no doubt, will be thought deserving of the last punishment. I shall not forget him in my return to Town, but this you will be pleased to keep secret; for, if he shall be allowed to remain in the country after our return, our progress will have been in vain.

I have drawn an order upon the Council in favor of Mr. John Chesnut for four hundred and five pounds, for four horses purchased by Col. Thomson for the service of the progress. He assures me, the public will not lose any money by them.

I find by your letter to the Committee here, that you approve their idea of Dutch wagoners carrying certificates of their having signed the Association. Sumner upon his return, I hear, rather laughed at it, and said wagons might easily sell their loads in Charles Town without any danger of enquiries for such certificates. I am very sensible, and the Committee here agree with me, that wagons may pass without their knowledge, and unless there shall be some particular persons to watch. I dare say you, gentlemen, will readily agree with me, that many wagons may easily dispose of their loads in Town without a certificate; if but a few shall be so successful, I assure you it will be of great detriment in these parts. I, therefore, do most earnestly represent it as an object worthy your consideration, that a constant guard of regulars be placed at the Town gates, to inspect and enquire of all wagoners from the Congarees, the Fork between Broad and Saluda Rivers and Fair Forest, for certificates of their having associated, and who shall cause them to return if they shall be destitute of such a passport. As I know such a conduct will have great influence in those parts; I shall give the inhabitants to understand that such a regulation will take place.

I have the honor to be, gentlemen,

Your most obd. servt.,

WM. HY. DRAYTON.

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MR. MIDDLETON TO MR. DRAYTON.

[Original MS.]

CHARLES TOWN, August 11, 1775.

DEAR SIR:—I cannot let this opportunity slip without giving you a piece of intelligence, which I am sure will please you. Our Admiral

and his crew have behaved like heroes; they have lightened Capt. Loftres of six tons of the needful; they surprised a superior crew, and took it out of the vessel lying at anchor within a mile of the castle of Augustine; ten soldiers were on board, but luckily they had no arms with them; in short, Providence favored us in all points of winds, seas, tides, &c.

I hope you have received my two letters by Gibson, and that I shall hear from you shortly.

Present my compliments to your colleagues and fellow laborers, and believe me,

Yours, affectionately,

A. MIDDLETON.

P. S.—After writing the above, your letters from the Congaree Store were opened. I am sorry to hear you have been under a necessity of exercising your abilities upon the soldiery by sermons and harangues—I wish you may not have thrown your jewels among swine. Fletchall's letter promises nothing favorable; I confess I have not the slightest hope of your succeeding in that quarter; my opinion is, that we shall at last be obliged to have recourse to your device and motto [an arm with a drawn sword is here represented] “et DEUS OMNIPOTENS.”

“Si quid novisti rectius istis,  
Candidus imperti, si non his utere.”

Vive, valeque,  
et sis

MERCURIUS REDIVIVUS, sed non de MORTUIS.

\* *Ecclesiastica terra non in oppido est; si veniet, ibit ad diabolum, saltem in carcerem—causidici in custodiâ sunt “erant mendaces ab initio (ut legebat puer,) et in Gehennam injicientur—De “Gehenna” consule TENENS qui tecum est.*

TENENS a TENEo, I hold fast, forsan ad fidem, sed roga—ut vita sic nomen.

MOSES sub nebulâ est, verbum sapienti, ride si sapis.

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ANDREW MARVELL TO MR. DRAYTON.

[Original MS.]

CHARLES TOWN, Sunday, August 12, 1775.

DEAR SIR :—Since I wrote the d——d stuff contained in the inclosed letter, more for my own amusement during a long sitting at the Council

\* Verbum anglicanum *scotice* pronuntia.

table in debate about nothing, than for your profit or entertainment upon receipt of it, your second set of letters came to hand, with one for myself dated the 9th inst., for which I am obliged to you.

It gives us particular pleasure to find you have had so much success in your labors—what would I have given to have been a spectator at the Dutch crying bout, with an Hogarth's pencil in hand? one of you certainly must have been *vastly* moving, whether Tennant or yourself, we are much at a loss to know, for I find you have united the orators under the word we, and thus confounded religion and politics. The plan of your operations is much approved of.

I like sometimes to see a man turned inside out, but as to Tacitus, I may with a small alteration, say with the poet,—“ego *illum* intus, atque in cute novi.”

The affidavit proves Capt. K. a seditious, rebellious son of a b—, and the letter declares Capt. P. not to be one of the best of folk—for God's sake as you come down sweep the chimney of the State, or we may shortly have a *bonfire*—as you say it shall be *done* I trust it will.

The General Committee are to sit to-morrow morning upon the trial of the two lawyers; we have the papers in hand, and without doubt they must be convicted, but what the devil shall we do with them? what *Boot* will fit *Dunn* or what shall be *Done* to *Boote*? I wish they were at the Provincial Camp. I suppose we shall dine late for the business is to be completed at one sitting.

A Mr. Walker, gunner of Fort Johnson, had a new suit of clothes yesterday, without the assistance of a single tailor—his crime nothing less than damning us all. During his circumcartation he was stopped at the doors of the principal non-associators, and made to drink damnation to them also, not excepting our friend Sir William, on the Bay.

A Committee is appointed, and will sit on Tuesday to receive the answers of the non-subscribers whether they will swallow the oath or not,—Dr. M.'s answer to the Messenger who summoned him, was “that he should not take the oath, and he did not know whether he should obey the summons;” this answer preceded the show of yesterday; whether that will alter his tone or no, I cannot say.

Nothing has yet been concluded upon but the tender of the oath to these people. I have twice pushed hard for the “Resolution for attaching Estates in case of Desertion,” but have not been lucky enough to get a second; the matter, however, is not *rejected*, only *POSTPONED*. Rawlinus postponator, declares the resolution not proper to proceed from the Committee of South Carolina, and so arbitrary, that nothing but the Divan of Constantinople could think of promulgating such a law. I

still, however, do not despair, and shall make another trial or two, for I believe at last the State motto must be "*urgendo vincimus.*"

The proposal of having wagoners examined by the guards before they enter the town gates will be taken up the first time we have leisure for considering it, and I doubt not will be adopted.

I have mentioned your request respecting the vacancies in the Regulars, and the blank commissions are all forwarded to Thomson by this conveyance.

I also this day once more urged the necessity of entrusting you with blank commissions for Volunteer Companies on the back of Fletchall, and with some difficulty carried my point; so that the President will inclose you six sets; it is expected, however, that you will have the resolution of Congress strictly complied with before delivery of the Commissions, I mean as to the associating of fifty men and the election of officers, and that you will bring down with you copies of such associations and lists. The Continental Congress strongly recommend the dividing the militia of each colony into regiments or battalions. If we should carry that point also in Council, it will be a means of diminishing the influence of Fletchall and every scoundrel like him in the colony.

If I mistake not Col. Laurens mentions these matters to you by order, and will also intimate that if any complaints are lodged against Fletchall, he will be deprived of his commission. It is said he abuses much the authority vested in him as a Justice of the Peace, by issuing process contrary to the express laws of the Congress—if you should find that to be the case, I think you might, and no doubt you will, draw a very weighty argument for rendering him despicable, from his abuse of power, especially in your discourses among the poorer sort; but why do I mention what must occur to you?

I know not what Stuart has said to you, but his letter to us is evasive in the last degree; Muckenfoos tells me upon delivery of the express he turned as pale as his shirt tail—behold the "*mens conscia.*"

We have notice that one or two of our vessels are upon the coast with the needful, but no particulars. We have a flying report that Washington has entirely defeated the King's forces, but do not credit it; I fear it is too good to be true.

It grows too dark to see what I write, and I grow so stupid that you must excuse my breaking off abruptly and telling you that I am,

Yours sincerely,

ANDREW MARVELL.

MR. TIMOTHY TO MR. DRAYTON.

[Original MS.]

CHARLES TOWN, 13th August, 1775,—midnight.

DEAR SIR :—Your letters to the Council of Safety have afforded great satisfaction not only to me, but also to every one who has heard them read—in short, I don't know who is not pleased with your progress; either for the services you render, or your absence—though Arthur, Charles and Peter most earnestly wish for your presence in the General Committee—and, therefore, I in particular, hope your progress in adjusting matters may be surprisingly rapid. I make no doubt, that Brewton, Parsons, &c., wish you to remain some time longer in the back country. But should you be solicited to do so, beyond your inclination or absolute necessity (that nothing may go amiss) I hope you will desire they be sent to relieve you.

We have not had a syllable of news from the northward since what Mr. Middleton wrote you—that man is worth his weight in diamonds. The packet you left here, did not sail before last Monday, and was conveyed to some distance by the Tamar, which returned into Rebellion Road on Thursday—the very day on which Lempriere returned successful to Beaufort, from the errand on which he was last ordered. Your appointment was sent by the packet; as there has been no other conveyance. Yesterday evening the gunner of Fort Johnson, (one Walker) had a decent tarring and feathering, for some insolent speech he had made. There is hardly a street through which he was not paraded—nor a tory house where they did not halt—particularly, Innes', Simpson's, Wragg's, Milligan's, Irving's, &c., &c., &c. At Gen. Bull's they stopped, called for grog; had it—made Walker drink d——n to Bull, threw a bag of feathers into his balcony—desired he would take care of it till his turn came, and that he would charge the grog to the account of Lord North. Finally, the wretch was discharged at Milligan's door. The people were in such a humor, that I believe there was scarce a non-subscriber who did not tremble, and Wells had his shop close shut.

The order of the General Congress respecting armed vessels, pleased me so well, that every member of the Committee took notice of it in my reading. But I wished for you on that occasion. I thank you for the list of members of Congress, among which I rejoice to see your name. Shall be glad to hear of the elections for the other districts.

I suspect Robinson is coming to town, and think it will not be amiss to have a look out kept for him, as well as the man you have mentioned.



Business has gone on very slowly in the General Committee. The Council seem to have a right to take up all. However, Dunn and Boote are to come before the former to-morrow morning. Aug. 2nd.—The same oath was required to be tendered to all non-subscribers, and the word voluntary voted out of the first. 3.—The motions by Mr. M. were all postponed for a Committee for sequestration—and no intercourse but with the merchants and public offices. 4th.—Letters from the Delegates, and from Stuart (which Mr. M. has undoubtedly advised you of) were read; and the consideration of the questions further postponed until Monday. 7th.—Complaint of sheep-killing, and orders of the day again postponed. 11th.—Pinckney, Roberts, Middleton, Powell, Heyward, Scott and Bee, appointed a Committee respecting non-subscribers—the resolve respecting sequestration lost on a question—the next not insisted on. [The above Committee have caused the non-subscribers to be summoned to appear before them on Tuesday morning, 9 o'clock, and ordered a copy of the oath required to be taken, to be shewn them respectively. Milligan has said, he will not take it, nor does he think he will obey the summons—Innes sent to Col. L. this day, 13th, for his advice.] 12th.—Evening, General Committee called to lay before them your letter of 7th, and Mr. Kershaw's of 8th, to know whether they or the Council of Safety should decide—when it was resolved the General Committee should take the matter under their consideration to-morrow morning—and this is all the business we have done.

The cannon remain mounted as when you left this. In truth, I wish the Council's business had been confined, to execute what the General Committee should order. But I can keep awake no longer.

I never have had a moment to write you before. Annexed or inclosed will be a list of such Members of Congress as I know are elected. 'Tis difficult to keep up my spirits. But, I am,

Always, sincerely, yours,

PETER TIMOTHY.

#### MR. DRAYTON TO THE COUNCIL OF SAFETY.

[Original MS.]

KING'S CREEK, NEAR ENOREE, August 16, 1775.

*To the Honorable the Council of Safety:*

GENTLEMEN:—From this place, about ten miles below Hendrix's mill, upon Enoree, and about one hundred and eighty miles from

Charles Town, I am set down to lay before you my proceedings since my last letter by Mr. Chesnut's express.

On Friday last I left the Congaree store and proceeded to a Dutch Church about ten miles higher up Saluda. I here gave a discourse to the congregation consisting entirely of Germans, in which I thought it prudent to mix many texts of Scripture shewing that our breaking off all trade and communication with non-subscribers was not any force put upon them. To my great surprise, only one of the congregation subscribed the association. I found, that some of the non-subscribers on Wednesday last had been very active to prevent these people from associating, and had even perverted those of the fifteen who on that Wednesday had heard me, and told me they had no doubt but they should subscribe at the church. Upon this, I declared that no miller, who was a subscriber, should grind wheat or corn for any person who was a non-subscriber. This gave an immediate shock, and has given a general alarm among the Dutch, from which with some other operations I expect a desirable effect. Hence I proceeded the next day, being Saturday, into the Fork between Broad and Saluda river to McLaurin's, where I had a pretty large meeting of Germans also, and some who had already heard me twice without the desired effect. Here I did not procure one subscriber. McLaurin threw a damp upon the people, as did also some other leaders whose names I have taken down. Summer was present, and so was Neuffer. But Summer kept at a distance, and is a false brother. He reproached Jonas Beard as being the cause of his being made to subscribe in Charles Town, and was near beating him. I saw none of this, but heard of it after the company broke up. Neuffer, had the day before gathered about one hundred people together, and was in a fair way to procure a numerous subscription, but McLaurin hearing of the meeting and posting to it, soon put a stop, only by his presence, to the business. Ten had subscribed, but after his appearance, not one person added his name.

On Sunday I intended to have been at another place of Divine worship, but when I got near, I found Summer, to avoid being present at the discourse, had gone to another place of worship. I now reflected that as he was a leading man in this neighborhood and by his absence manifested his dislike to what I came about, and also that most of my hearers on the day before were from this part of the Fork, I thought I might save myself the mortification of preaching to a people who were obstinate and would not hear. Mr. Kershaw being of my opinion, we made the best of our way from that stiff necked generation to this place. Thus, I may pronounce, the Dutch are not with us.

Here is a settlement in our favor. It begins near about the division line between Orangeburgh and Ninety-six, and reaches to Hendrix's mill, upon Enorce. Yesterday I had a pretty large gathering as we say here; and I gave a discourse which was generally satisfactory. Having finished and the people expressing their pleasure and readiness to sign, a man stepped in, and said Cunningham was at hand, and he hoped the people would stay and hear what he had to say. Immediately all was at a stand. The company now expected to hear the affair argued on both sides, and thus I was to be made a public disputer in spite of my teeth. Cunningham arrived and I asked him and his company to a dinner I had prepared for some of our friends. The report ran, that Cunningham had brought a proclamation from the King, showing the fallacy of the American proceedings. After dinner I took Cunningham aside and spoke to him seriously and politely; all was in vain. We then collected the people, and he and one Brown, he that was tarred and feathered at Augusta, (I believe the person who sent the letter of which Mr. Brewton took a copy the night before we left Georgia) a Scotchman, took out Dalrymple's address from the people of England to the people of America; which they had received from Lord William Campbell. This Cunningham evaded but did not deny, when I charged him with having received it from that quarter. I am assured from several persons that Lord William did actually send it up. I am afraid it is likely to do much mischief. This pamphlet was read by Brown from beginning to end. I took notes as he went along of every material part, and then I answered the whole. I applied ridicule where I thought it would have effect, the people laughed heartily and Cunningham and Brown could not but grin—horribly. In short I so answered the whole, that the people rejoiced, and Cunningham had not one word to say in reply. The people are perfectly satisfied, and I am heartily glad that this pamphlet was produced for people have, now they say, heard both sides of the question and the general conclusion is—that Cunningham is beat out of the field. Sure it is that he was highly mortified; and with his companion, Brown, stole away.

At the day of election the people of this part of the Fork assembled at Ford's, on Enoree, to choose representatives; but a letter from Cunningham, Kirkland, and others arriving, the election was quashed, and the people departed. I have given notice that there will yet be an election, at which I mean to be present. There has not been any election in the lower part of the Fork, and I have appointed one to be holden on the 24th. These measures I think tend to compose the people and to bring

them to conform now, as nearly as may be to the resolution of Congress, and therefore I thought myself authorized to order these elections.

I am informed, Mr. Hart is rather ridiculed by Fletchall and his crew. I am just setting off for the Colonel's head quarters.

I have the honor to be, gentlemen,

Your most obdt. servant,

WM. HY. DRAYTON.

P. S.—I have agreed with the express that he shall be paid fifty pounds, which I make no doubt you will cause to be paid. If that pamphlet was answered and copies sent into the country, it would have a good effect.

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ALEXANDER CAMERON TO ANDREW M'LEAN.—[INTERCEPTED.]

[Original MS.]

KEOWEE, 16 Aug. 1775.

DEAR ANDREW :—I had the pleasure of your letter by Holmes with the articles sent for Molly, but they were of no service, being too narrow. Your letters by Grey or Morris I saw nothing of.

Mr. Thomson arrived here about ten days ago, round about by Col. Fletchall and the heads of Saluda, after his miraculous escape from the party of Liberty Boys under the command of the heroic patriot Capt. Hamilton, of Augusta. He has had and is still very ill with a fever since his arrival, I believe owing to fatigue and uneasiness of mind; I am extremely sorry for Mr. Brown's fate. But I am still more concerned for I. Lyon and poor Donald not hearing from you, and Mr. Thomson informs me that you were both obliged to push the same day that he and Mr. Brown were attacked. But I hope it is not so, otherwise I should see you here or learn what come of you by some means. Late last night John Bench arrived here, with father, from Occonostotah. He desires that I would write to Gov. Wright relative to the ammunition, and Charles Town also. Its a hell of a talk—he says that he and his people are very cross about the usage their father met with in Charles Town, and me at Long Canes being obliged to leave our houses. That they see plainly that the white people mean a war with them, and they will be glad to know, if they intend it this winter or next spring, for the sooner they begin the better. They are to a man resolved to stand for the great King and his warriors. They desired that I would immediately repair over the hills and live there. If the

people below heard this talk, they would imagine it to be something of my dictating but upon my honor I never had any concern in it. I beg you'll let me know if you have any prospect of getting any ammunition for the Indians, or whether there are any hopes of getting the quantity which was promised by the Liberty men. Where is Mr. McGilvray to land your goods. Pray let me hear, if you know what has become of Mr. Stuart, and if you heard any thing of Allan. I hope you will not supply Hughes with any more goods; he is one of those whom the Governor promised that he should not have license to trade. Besides, you will lose by him, for he will get killed soon, or bring a war upon the Indians. The Long Canes people are determined to kill him. The Creeks steal their horses and bring them in to Tooguloo, and there sell them for rum. This is very evident, so that you need'nt say a word in his behalf. Jos. Vaun is another of your traders, and one that Governor Wright promised to exclude from the benefit of the Indian trade. I am determined to rout them when matters are a little more settled, if others will let them stand so long.

You did not send my account by Mr. Holmes as I requested; and you wrote that no money could be had. My Treasurer, Mr. Stuart, is banished and in these days of distraction I do not know where to apply. About Long Cane the people begin to change sides. The people see their error and are determined to stand in support of law and government. I routed the fever and ague, but am not as yet strong enough. I thought I should go. The Cherokees are the most faithful Indians on the main. They would die, all hands, in my defence. Write a great deal about every thing, and tell me about Mr. Mackay and his family. I think you said Donald was coming up. How does Monsieurs Grierson, Johnston, the parson, and poor Hammerer, and all our friends. The man is going, and I have devoted all the time I could dispense with in writing this scrawl to you, so that you have it in quantity if not in quality; but I am convinced you will look over any blunders that may be committed by

Dear Andrew, your constant and sincere

friend and humble servant,

ALEX'R. CAMERON.

If the butcher, Malborrow, has a mind to shew his war exploits, let him come up with a party to the Green Corn dance, which will be in a few days at Seneca.

*Andrew McLean, Esq.*



## MR. TENNENT TO MR. LAURENS.

[Original MS.]

BULLOCK'S CREEK, Aug. 20, 1775.

DEAR SIR:—We expect to write you a public letter next Wednesday, but opportunity offering I must inform you that after visiting the upper part of Col. Richardson's regiment and the High Dutch in the Fork between Broad and Saluda rivers, the former with great success, the latter with very little, we have at length visited the great and mighty nabob Fletchall. We found him surrounded by his Court, viz: Cunningham, Brown, and Robinson, who watch all his motions and have him under great command. We soon found the unchangeable malignity of their minds and the inexpressible pains they were at to blind the people and fill them with bitterness against the gentlemen as they are called. Gen. Gage's pamphlet is raging through the District, and greedily read. The leaders have taken the same methods with the Romish Church to keep the people ignorant, and in general they firmly believe that no man that comes from below, and that no paper printed there can speak the truth. This was necessary in order to prevent anything we can say from taking place. We soon found that reasoning was vain with those who were fixed by Royal emoluments. But perceiving that Fletchall effected to play between, we let him know that we had discovered things which he thought were a profound secret, and surprised him much. He confessed receiving a letter from the Governor, within five days last, and offered to swear that there was no harm in it, and that he would not take arms against the country. But we surprised him into a promise to assemble the regiment next Wednesday, which highly affronted Cunningham and the rest of the Upper House, some of whom treated us with insolence upon it. We expect to meet the regiment accordingly, and many of our friends whom I have advised of it will be there, some having intimated a design to put some trick upon us. In the mean time Mr. Drayton is gone up to his iron works, and to the people about Lawson's Fork, where he will do something. I turned my course into the new acquisition, where I am to have a meeting, from day to day, in Col. Neal's regiment. I think I shall fix this District in the right cause. I discovered on my way, a scheme to surprise Fort Charlotte and take all the powder and arms away. Took an affidavit of it and sent it express to Mr. Drayton, so hope it will be prevented. The Governor has undoubtedly given orders for it, and they are privately enlisting volunteers to the service. I shall this

morning privately obtain affidavits to prove that Major Robinson has attempted to enlist many in the King's name, assuring them that he had a number of Commissions in his pocket which should be distributed to the most worthy, and that they should have King's pay after ten days. He is just returned and it is known that he met the Governor at Dorchester. They think that they are nearly ripe to show themselves, and make no scruple to threaten the whole province with devastation in a short time. They say that Cameron is among the over hill Cherokees and will soon join them with 3,000 gun men. I have just heard that the lower towns will not join them, but confess that the over hill Indians are preparing to fight for the King. In short your friends in town are preparing a great dish of blood for you, and expect soon by their army not only to have an asylum to fly to but to bear down all before them. This both you and I have prophesied many times, but a lethiferous slumber seems to have sealed the eyes of some of our brethren. Robinson assures the people here that a great multitude in town of those who have signed the association are in the scheme and will join them upon notice. I am now convinced that a certain affidavit which some have so much despised, is with a small exception true, in every particular. There is here all the appearance of a hellish plot. And the friends of America have no ammunition and may be surprised without remedy. I wish the Council would think of this. We have greatly weakened and expect more to weaken them—but to upset the plan immediately is impossible. I have formed one, and am forming in this District another troop of Volunteer Horse Rangers, who are as good as sworn to the Council of Safety when they enlist. We are hemming in the diffidents on all sides as much as possible. But their leaders seem determined if possible to bring the people to draw blood before they have time to be enlightened. I have forsook my chaise and ride on horse back, from day to day, meeting people.

And in great haste, am, dear sir,

Your most obedt. servt.,

WM. TENNENT.

P. S.—This comes by Joseph Woods, Esq., a worthy magistrate in the new acquisition, of whom, if you enquire you may learn many things. If you do not keep a look out these people and the savages will receive ammunition by wagons from town, or from Dorchester from on board the fleet—they have no doubt of a supply.

## LETTER OF MR. TENNANT TO MR. DRAYTON, CONTAINING ZACHARIAH BELL'S AFFIDAVIT.

[Original MS.]

Appeared personally before me, Zachariah Bell, and swore, that walking near the house of Col. Fletchall, he heard one of six or seven men in a group, say that a person (whose name he did not hear) was to go within ten days to seize upon powder—the deponent could not hear the name of the place at which. Another answered, that he (the first speaker) had better not go, for if he did with double the number of men they might expect to be killed and not succeed.

Sworn before me, this 18th day of August, 1775.

EZEK. POLK, J. P.

*On the road, near Fair Forest.*

DEAR SIR:—Coming to the knowledge of the above and no longer doubting of the infernal design to take Fort Charlotte by the Governor's order, and to open a dismal campaign in this quarter, by this means, I send this Express that you may advertise the fort and throw as many men into it as possible and disappoint them. I have put things together and am no longer at a loss as to the design to embody men as an Asylum for all the Tories, and that shortly.

And am yours,

WM. TENNENT.

P. S. From a question asked me by the Colonel, I suspect some harsh design. Be upon your guard.

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AFFIDAVIT OF JONATHAN CLARK CONCERNING CAMERON AND CHEROKEE INDIANS.

[Original MS.]

SOUTH CAROLINA—NINETY-SIX DISTRICT.

This day personally appeared before me, Jonathan Clark, resident upon the banks of Saluda river in the Cherokee country, who being duly sworn, sayeth, that on or about the thirteenth instant, being in the Cherokee country aforesaid, he saw and conversed with John Garwick, an intimate friend and countryman of Alexander Cameron, Deputy

Superintendent among the Cherokee Indians, touching the danger of the Cherokees commencing hostilities, that if there was any danger, he, the said Jonathan, might remove in time to a place of security; and that he spoke on this subject to the said John, because of his close connection with the said Alexander, and thereby of his, the said John's, ability to give information touching that subject. That on this subject the said John answered, that he, Jonathan, need not be under any apprehension of danger till such time, as there should be some disturbances below, in the country between the King's army and the Colonists; and that then it would be high time for him, the said Jonathan, to take care of himself, and remove from the frontiers. Also, the said John continued his discourse and said, that about three weeks then last past, the said Alexander had held a meeting with the Cherokee Indians, at which about four hundred of them were assembled, when he, the said John, heard the said Alexander tell the said Indians, that the people of America had used the King very ill, and had killed a considerable number of his army; and that the King was to send out more soldiers to suppress them. That the Indians ought not to turn against their father, meaning the King, but that they should join his army against the people of America. That to this the Indians replied they could not fight, for they had not any gunpowder; and the said Alexander returned, that should be no obstacle, for he would take care to supply them. The said John also further said, that the said Alexander did all he could to influence the said Indians to join the King's forces against the people of Carolina; and who could blame him for doing so, since he, the said Alexander, was in the King's service. Also, that in conclusion, about forty of the said Indians turning their backs to the said Alexander, discharged their guns, and then the whole assembly set up the war whoop, which he, the said John, said was as a signal that they, the said Indians, approved the discourse of the said Alexander, and agreed to what he had said. And further this deponent sayeth not.

JONATHAN CLARK.

Sworn and signed before me this 21st day of August, 1775.

WM. HY. DRAYTON, *Quorum Unus*.

#### SOUTH CAROLINA—NINETY-SIX DISTRICT.

This day personally appeared before me, James Wood, John Wood, Moses Wood, and John Prince of the district aforesaid, who being severally sworn according to law, say that they know the above-mentioned Jonathan Clark, believe him to be an honest man and worthy of credit,

and that they do not know any thing to the prejudice of his reputation. And further the said deponents say not.

JAMES WOOD,  
JOHN WOOD,  
MOSES WOOD,  
JOHN PRINCE.

Sworn and signed before me this 21st day of August, 1775.

WM. HY. DRAYTON, *Quorum Unus*.

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MR. DRAYTON TO THE COUNCIL OF SAFETY.

[Original MS.]

LAWSON'S FORK, August 21st, 1775.

*To the Honorable the Council of Safety.*

GENTLEMEN :—I have the honor to acknowledge the receipt of your letters of 11th and 13th instant. They came to hand last night, forwarded by Col. Thomson.

Before this can reach you, I have the pleasure to reflect that you must have received intelligence, that the alarm respecting Augusta was without any foundation. But I am sorry to acquaint you that Thomas Brown is of such a temper of mind, that it is my opinion he is as dangerous a man as any in this Colony. I do not believe he would stick at any thing to throw our affairs into utter confusion.

I beg leave to return my respectful thanks for your approbation of my conduct; and I beg leave to assure you that I shall always endeavor to deserve your commendations.

I believe Mr. Charleton expected to hold the lieutenant's commission together with that of surgeon's mate. I had forgot the resolution of Congress respecting one person holding two commissions; but I have acquainted Col. Thomson with the affair, who, without doubt, will transmit the explanation you expect.

I am happy that you approve of my putting off the election at Saxe Gotha; and also that you have directed me to appoint elections for those places where none had been held. In my last of the 16th from King's creek, I had the honor to acquaint you, that neither of the districts in the Fork, between Broad and Saluda rivers had held any election. For the lower district I have already acquainted you with the day of election; and for the upper district I have appointed the



23rd instant as the day of election at the place directed by the Congress. This I did much against the inclination of Fletchall and Cunningham.

I have to assure you that unless our friends in the country find that the non-subscribers are debarred all communication with Charles Town, and all trade with the country stores, they will be much chagrined; and bad consequences may ensue. In particular, I most earnestly recommend that no more goods be allowed to be sent up to McLaurin's store. His partner in town is one McCurry, or Curry—some such name. This man has signed the Association, and under this sanction, he means to supply McLaurin, by which means the Dutch will be encouraged to persevere in their obstinacy. And I beg leave to caution you even against McLaurin's signing the Association, if he should think proper to do so to procure goods; for the Dutch agree, if there should be a necessity, that he should be allowed to subscribe, and then they would be supplied as usual without their acceding to the Association.

The commissions for the volunteer companies are not come to hand, but I suppose they are with Col. Thomson, who, in all probability, will continue in his new camp until my arrival there.

I reached Col. Fletchall's last Thursday morning before breakfast, and I there found Brown, Cunningham, and Robinson, who had arrived the evening before, as had Mr. Tennent and Col. Richardson. Mr. Tennent and myself, after breakfast, engaged Col. Fletchall in a private conversation during near three hours. We endeavored to explain every thing to him. We pressed them upon him. We endeavored to show him that we had a confidence in him. We humored him. We laughed with him. Then we recurred to argument, remonstrances and entreaties to join his countrymen and all America. All that we could get from him was this. He would never take up arms against the King, or his countrymen; and that the proceedings of the Congress at Philadelphia were impolitic, disrespectful and irritating to the King. We charged him with having written to the Governor, and with having received an answer. He confessed both. We named the day (the Sunday preceeding), he received the answer; he allowed it. We named the method by which he received it (concealed in a cane); he appeared confounded; but after a pause, he attempted to laugh off this last particular. Robinson brought up the letter, and Fletchall would not show it to us. Robinson declares, he has brought up a commission to raise men for the King; and he even had the impudence to say before me, that he should raise men for the defence of his person, since many people had threatened him. I answered, surely the civil

power would not allow him to go about with armed men to the terror of the King's subjects. He replied, why did not the civil power prevent the Congress from having armed men, and surely he would have armed them, as long as they had any. This man's looks are utterly against him. Much venom appears in Cunningham's countenance and conversation. Neither of these men say much; but Brown is the spokesman, and his bitterness and violence are intolerable. He has in various ways insulted us during our 24 hours stay at Fletchall's, as if he wanted to provoke me to violence. At length he went so far as to tell me, he believed we did not mean well to the King, and that our professions were nothing but a cloak. At this provocation, after many others, I almost lost my caution. But thank God, I did not even appear to do so. In a firm tone I severely checked him. The Colonel bid him go to bed. Before this happened, we had engaged the Colonel, in the private conversation, to call out his regiment as on the 23rd inst. Upon our return to the house where this Brown, Cunningham, and Robinson were, he mentioned what he had promised. All these at once were open-mouthed against the measure, and Mr. Tennent and myself had much to do, to keep the Colonel to his promise. This meeting of the regiment will be at the time and place of election at Ford's; and I am not without some apprehension that some violence will then be used against us. I inclose a letter from Mr. Tennent to me the day we parted at the Colonel's. And, besides this, it is my firm belief that Brown, Cunningham, and Robinson will do every thing in their power to bring things to extremities. For they are clearly of opinion they can beat the whole Colony. These men manage Fletchall as they please, when they have him to themselves. Indeed, he is so fixed, and has made so many declarations, that I firmly think, his pride and false sense of honor will never allow him to appear to think as we do, even if these men were not about him. Mr. Kershaw told me, he knew the man, and that no confidence was to be placed in him.

Things wearing so unfavorable an appearance, Colonel Richardson, Mr. Kershaw, Mr. Tennent and myself unanimously, thought it absolutely expedient, to direct Captain Polk to raise an additional troop of rangers immediately to lie on the back of these people. And Mr. Tennent and myself have given directions accordingly, not doubting but that the necessity of the case will induce you to approve the measure. Captain Polk came to us, appeared much concerned for his past conduct, attributing it to a mistake touching the station of the rangers, which he had thought, had been by the Congress fixed to the back country and frontiers. He has been since active in our favor as a person of influ-

ence in his part of the country on the back of Fletchall; his brother is a man of great influence in Mecklenburgh, and ready to march to our assistance when called upon; and already Fletchall looked upon Captain Polk as an acquisition to his party. Hence, to bind Captain Polk's brother, and all the friends of both to us; to quash Fletchall's expectation from the Captain, and to have a troop of rangers on the back of Fletchall's people to watch their motions, we all thought it absolutely necessary to direct the raising of this additional troop, as we apprehended you would consider Captain Polk's letter and conduct as a resignation of his commission, and that you had already disposed of it. In short, we have given Captain Polk such a lesson, which he has received with all due submission, as I believe will render him more obedient to orders, than he has been.

In consequence of the affidavit taken by Captain Polk, I have dispatched an express to the commanding officer at Fort Charlotte, and directions to Major Williamson, to throw into the fort a reinforcement of thirty militia, to be continued there by proper relieves during one month. In which time I make no doubt, the whole Colony will be in a state of perfect security against internal commotion. The garrison there will now consist of seventy-odd men. I have also given Major Williamson directions to hold the militia in readiness to march in case of any commotion.

I had this day a meeting with the people in this frontier, many present were of the other party; but I have the pleasure to acquaint you that these became voluntary converts. Every person received satisfaction and departed with pleasure. I finished the day with a barbecued beef. I have so ordered matters here, that this whole frontier will be formed into volunteer companies, but as they are at present under Fletchall's command, they insist upon being formed into a regiment independent of him, and I flatter myself you will think this method of weakening Fletchall to be consistent with sound policy. These people are active and spirited; they are staunch in our favor, are capable of forming a good barrier against the Indians, and of being a severe check upon Fletchall's people (upon whom they border), if they should think of quitting their habitations under the banners of Fletchall or his companions. For these reasons, and to enable them to act with vigor, I shall take the liberty to supply them from Fort Charlotte with a small quantity of ammunition; for now they have not one ounce, when they shall be formed into regular companies. Several companies will be formed by this day week.

I enclose to you an affidavit, by which you will see there is no de-

pendence upon Cameron. I have sent up a short talk to the Cherokees inviting them to come down to me within twelve days to Amelia. Mr. Pearis has undertaken to conduct six of their head men to me, and I should be glad within the time mentioned to receive from you £70 or £80 worth of shirts, watch-coats, blankets, linen, strouds and paints; and your instructions if you choose, I should say any thing in particular to them. On Wednesday, I shall, with Mr. Tennent, Mr. Hart and Mr. Reise, attend the election and review of Fletchall's regiment at Ford's, at the mouth of Cedar creek upon Enoree. You will see the place in the small map. What the event of the day will be, I am at a loss to say. I do not expect any success; I apprehend some insults. I may be mistaken in both opinions. Within twelve days, I purpose to be at Colonel Thomson's camp, where I think it will be advisable that I should remain till I shall see every spark of insurrection extinguished; but in regard to this, I shall regulate myself by your orders on the subject which I hope to receive by the time I arrive at the camp. If Kirkland shall be seized, without doubt a commotion will follow, and if he goes off with impunity and without question, it will be fatal to the discipline of the army—especially the rangers. But this is not all. Vigorous measures are absolutely necessary. If a dozen persons are allowed to be at large, our progress has been in vain, and we shall be involved in a civil war in spite of our teeth. In giving you this information, I tell a melancholy truth; but I do my duty. If certain persons should be secured, some commotion, in all probability, will follow, but I am so well acquainted with the situation of the disaffected parts of the country and with such parts as may be brought against them, that I am under no apprehension for the consequences, provided prompt and vigorous measures attend every appearance of insurrection. I would beg leave to observe, that as this business is of the highest importance, so your orders on the subject, must be clear and general, to vest proper authority, to take such measures as may tend to suppress this threatening insurrection, that will assuredly break out by delay and come upon us unexpectedly. Perhaps my being arrived at the camp in my return home, may be construed an expiration of the powers vested in Mr. Tennent and myself, and his return to Charles Town may work an annihilation of powers, to be exercised by us together. For, as our continuance in the country will be of but little benefit in the Dutch settlements and the disaffected quarters while under the influence of Fletchall's people, so I make no doubt but that Mr. Tennent will choose to return to Town; sensible that his presence in the country will not be of any advantage in the way of expounding our political texts to the people. I have the

honor to lay all these things fully before you, that you may regulate yourselves thereupon, and send orders to me at Amelia by which I shall either remain with the camp or return to Charles Town. But I pray you to be expeditious, for a delay on your part will allow the enemy to recover many of our converts; and I know they are active, malicious, and bent upon mischief.

I have the honor to be, gentlemen,

Your most obedient servant,

WM. HY. DRAYTON.

P. S. Mr. Tennent and Colonel Richardson were successful in their journey beyond Broad river. Mr. Tennent is now in Neyle's quarters, where they are very hearty in our cause. Mr. Kershaw and Colonel Richardson took their leave of us when we quitted Fletchall, being sensible they could not, in these parts, be of any assistance to us. They have been very diligent.

#### COPY OF ORDERS TO CAPT. CALDWELL AT FORT CHARLOTTE.

[Original MS.]

WHITE HALL, August 21, 1775.

DEAR SIR:—I just now received a letter from Col. Thompson and Major Mayson, dated the 10th inst., at the Congarees, informing me that they learn of a body of men going from our regiment and headed by some of the disaffected about Stephen's Creek, to attack Augusta. They desire me to give you every intelligence for the defence of Fort Charlotte, that you may be on your guard. I have heard nothing as yet of the above report, but you may depend upon it that if ever they make such an attempt they will have Fort Charlotte in their view.

I would take the liberty to advise you, if you should hear anything of the above report—that Captain Taylor would order some of his Company to reinforce the fort.

I think it would not be amiss to send one of your men, you can put the most confidence in, to watch the motion of the disaffected about Stephen's Creek, and the Pine-a-wood House. If I learn any thing from this quarter you may depend upon me letting you know immediately—the privater this is kept the better. I this moment send an express from the Council of Safety to Mr. Hammond. Excuse me taking the liberty of dictating to you. I am, dear sir,

Your most obedient humble servt.,

A. WILLIAMSON.

*Captain John Caldwell, Commandant at Fort Charlotte.*



## MR. TIMOTHY TO MR. DRAYTON.

[Original MS.]

CHARLES TOWN, August 22, 1775.

DEAR SIR:—Although my stomach bids me go, I can't help staying in the Council Room to send you a line or two, by the express now in waiting, if 'tis only to send you a little bit of news, (Powell vs. Rugeley,) viz: Tebout is just come in with an account of the arrival of the last acquisition of powder at Wappoo. To-morrow morning we shall receive it, escorted by Artillery and Grenadier Militia, and fifty Provincials, who have been diverted with a march to Beaufort, by way of a beginning, headed by Will Cattel. A most curious letter from the Carsons has been intercepted by the Little River Committee, addressed to Capt. House of the Glasgow man-of-war. The original is sent for, and I hope to give it you in print—was it in my hands should have sent a copy. The Eagle packet sailed yesterday; and 'tis said Lord William himself, carried his dispatches on board the Tamar the day before. What to say about sound policy, I am at a loss; it does not seem to have been yet well defined. This week will be spent in matters relative to our election. The merchants (say gentlemen concerned in trade) at a meeting to-day, either have, or will, nominate ten of their body to represent them in the ensuing Congress. At a previous meeting they proposed fifteen for their quota, then twelve, and at last condescended to be content with ten. The Germans have taken an alarm, and had a meeting—and the mechanics are not thoroughly pleased; they also will have a meeting this week. In regard to war and peace, I can only tell you, that the Plebeians are still for war—but the Noblesse perfectly pacific—not like your chimerical, quixotical, anti-pacific Lord High Admirals, and Associates.

Yesterday the Committee of Observation stopped McLaurin's wagons; it seems he is in partnership with one Currie, now in town. Currie is much blamed, and begs to leave the goods unsold with the Committee till he goes up and brings down McLaurin's name subscribed to the association, which he offers to give security to do; and if he does not succeed, to send the wagon's loads back. Two Fitzpatricks came down this morning from the Forks; John said he had signed; James not; but both being willing to do it here, I took their names, and commenced official Certifier.

I shall conclude with the form of my certificate:

## IN THE COMMITTEE OF OBSERVATION,

Charleston, Aug. 22, 1775.

We do hereby certify, that John Fitzpatrick, residing on Turkey Creek, Broad River, in Camden District, hath here subscribed the general association entered into by the Provincial Congress on the 4th of June last, which he declared he had done before in the District wherein he resides.

By order of the Committee.

PETER TIMOTHY, *Chairman.*

Now, my good friend, if you have any feeling for any besides the fair in your progress, I beg you will furnish the General Committee within your gatherings with a form, and save me the trouble of writing them here.

Fishing is over here—the hurricane season being come in, we have thought it necessary that all the tory's boats should be laid up; their carriages, at same time, are no better than broken down, and their horses than foundered. Jerry was hanged last Friday—more force was exerted for his being saved, than there would have been for you or me, unless for our exaltation. Pinckney does not retreat; he comes forward bravely—wish you and Mr. Tennent were along side of him at the table. But I am tired, and having thus far endeavored to amuse you, 'tis time I rest, as I do.

Sincerely yours, always,

PETER TIMOTHY.

Mr. Middleton has said every thing that I could have added in a much more entertaining manner. Always inclose your letter to me under his cover.

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MR. DRAYTON AND MR. TENNENT TO THE COUNCIL OF SAFETY.

[Original MS.]

FORD'S UPON ENOREE, August 24, 1775.

*To the Honorable the Council of Safety:*

GENTLEMEN:—We arrived here yesterday, and met with Col. Fletchall, Kirkland, the two Cunninghams and Brown. By the contrivances of the heads of the party, very few people met us. One thousand men meet here in general at musters; when Fletchall's paper was signed, there were about 1,500, on the field; but we had not above 250 hearers, and a great many of these were our friends from other parts. There was not one man of Cunningham's Company present. He told us that he acquainted his men, that if they were satisfied with their present

opinions there was no occasion for them to come to hear us. Other Captains told their men the Colonel left it to them to come or not as they pleased, and if they stayed away he would not be angry with them.

The most perfect good order prevailed with the people, who heard us with much attention. But Kirkland treated the Congress, the Committee, the Council, and ourselves with the highest insolence. Nay, he was on the point of assaulting Mr. Drayton, and in all probability would have done it, which would have brought on bloodshed, but that the pressure of the people about Mr. Drayton gave him to understand that an attack by him would be premature. Imagine every indecency of language, every misrepresentation, every ungenerous, and unjust charge against the American politics, that could alarm the people, and give them an evil impression of our designs against their liberties, and the rights of Great Britain; imagine all you can on these points, and you will not exceed what we heard as well from Kirkland, as Brown. Our indignation was painful, for we were obliged to conceal it; and our situation was as disagreeable as you can well conceive. Brown loudly declared that when the King's troops arrived, he would join them against us, and he hoped every other person in these parts would do the same.

We have the pleasure, however, to inform you, that the address from the people of England to the people of America appears to have lost its credit. Brown read it—but he had but few hearers—we did not think it worth our while to attend to it, or say one word in answer to it.

We waited so long for the assembling of the people, and the discourses and pamphlet took up so much time, that no election could be held. This day fortnight is appointed for the holding of it.

Kirkland and the Cunninghams appeared here with arms, sword and pistol. Their intention did not appear good, and the very small audience clearly manifests that the sentiments of the party continue inimical. However, we have acquired several of Fletchall's captains.

There was a subscription of the association—about seventy names, but most of these persons had already signed, and now again signed in order to give a good example.

We shall be at Ninety-six Court House on Sunday, and from thence we shape our course to Amelia.

We have the honor to be, gentlemen,

Your most obedt. servts.,

WM. HY. DRAYTON,

WM. TENNENT.

P. S.—We inclose two affidavits and an intercepted letter. Fort Charlotte is in a good condition.

## JOHN STUART TO DAVID TAITT.

[From Copy Original MS.]

ST. AUGUSTINE, Aug. 29, 1775.

*David Taitt, Esq.,*

SIR:—I wrote you very fully the 15th inst., by express, which I am apprehensive will not have reached your hand before this, as I have just received information that the person by whom I sent my letters was at St. John's River the 27th current. I was very glad to receive your letters of 1st current by Mr. Carr. I am glad of your safe and speedy return from Pensacola, as you'll be sensible how necessary your presence is in the nation, until affairs change their present gloomy aspect. I have enabled Mr. Penman to give Carr a supply of ammunition. I send by him a duplicate of the talk, which I sent under your cover by the Express, and I have fully explained it to the Cusseta King's brother who accompanied Carr hither. He seemed rejoiced to see me, and said he should return home with a light heart, as he would have it in his power to deliver good talk to the people, and to quiet their minds.

I think it would be improper to say anything about lands to the Indians at this time, and in general I would recommend a conduct calculated to support your own influence and consequence, and to frustrate the machinations of Mr. Galphin and his associates in the new superintendency. In my letter by the Express, I desired that you would send off twenty pack horses, by whom I shall send wool and gun-powder, and two thousand pounds ball—this will shew how attentive I am to their interest; and if Mr. McLean's people come down with thirty horses, I shall be able to load them also, so that there will be no want of ammunition, and as for other goods, they will be well supplied with them, so that I have reason to hope that you'll not find it difficult to preserve peace, and attach the Indians to his Majesty's interest. I have also been able to obtain some ammunition for the use of the Cherokees, and have written to Mr. McLean and Mr. Cameron on the occasion. I send duplicates of their letters under cover of this, that you may forward them in the safest manner. I also send a talk for the Cherokees which you will forward after perusal and sealing up. Carr said that he would undertake to carry any dispatches that you would require. He has informed me of some curious talks delivered by Steddyman. The Indians, it seems, have been repeatedly told that I am to die soon. I thank God I have so far escaped—by all accounts they had villainous intentions, had I been so unfortunate as to have fallen into their hands; however,

I am so far inclined to retaliate good for evil, that I wish to maintain peace, and that the innocent may not suffer for the guilty; as to the rest, possibly a day of retribution and account may come; until then let us endeavor to do our duty and faithfully discharge the trust reposed in us. In the mean time threats are thrown out against you and Cameron, as well as myself. It will not be improper that the Indians take notice of this to the *new Superintendant Galphin*, and make our safety and the protection of our families and estates the conditions of their neutrality, as the northern tribes have done with respect to Col. Johnston their Superintendent. My wife is detained in Charles Town, and has been insulted and threatened; and I have been acquainted by the Committee that my estate is to answer for the behavior of the Indians. Mention this to Emistisego privately.

I must now refer you to my letter of 15th. I have only to beg that you'll be particular in your informations and attentive to the proceedings of Mr. Galphin and his associates, of which furnish me with the most authentic accounts. Forward the inclosed letter to Mr. Charles Stuart.

I am with sincere regard, dear sir,

Yr. mt. obt. hl. servt.,

JOHN STUART.

P. S.—I hope you will purchase what goods you have sent for to Mobile upon a considerable credit—as they cannot be drawn for before the beginning of the year—but McLean undertook to supply you with whatever dry goods you might want, which would be more agreeable to me as I have accounts with him. You'll send such returns as you sent me last year.

The within is a true copy of an original intercepted letter lodged in the Council of Safety. Certified by

SETH JNO. CUTHBERT, *Sec'y.*

#### JOHN STUART'S TALK TO THE CHEROKEES.

[From Copy Original MS.]

ST. AUGUSTINE, August 30th, 1775.

*To the Great Warrior and Prince of Chote, and to all the Warriors and Ruling Chiefs of the Upper and Lower Cherokee Nations.*

FRIENDS AND BROTHERS:—Mr. Cameron will, without doubt, have informed you of my having come to this place, and the reason of my



so doing. Although I am not at a very great distance from you, yet I do not forget you, neither shall I omit letting you hear from me when necessary for your good.

I was sorry to learn that the gunpowder, which the merchants at Augusta had written for to England, was seized and taken out of the ship by some mad people at Savannah, which prevented your being supplied by your traders with the necessary quantity for hunting and defence. I was very uneasy upon your account, and have got some ammunition at this place, which I shall send to Augusta as soon as I can be provided with pack horses to carry it, and I now write to Mr. McLean to send some for it.

Brothers : I am sorry when I hear any bad news from your Nation, which obliges me to put you in mind of your engagements at several different meetings.

The murder of two of your white brethren in your Nation was not like friends ; you know what ought to be done upon the occasion. You have also among you two Creek fellows, Houmaiha and Sophia, who were obliged to fly from the Creek Nation for killing white people in Georgia, yet you love and protect them, although their own people want to bring them to justice, according to agreement. This is not what I expected from you—it is not fulfilling your engagements.

I am informed by the Creek Indians, that several of your people were assisting the Shawnees to kill the white people in Virginia. I hope you will stop such proceedings that all our talks may be straight, and that I may not be obliged to be constantly complaining.

I am very sorry to think of the little regard paid to my advice, and your own interest, respecting your land, which you compliment away to every white man who asks for it. You have been constantly told and admonished by me, not to treat or bargain for your land with any person but me ; yet, you have signed papers to one Henderson, by which you have given away all your hunting grounds between Holston's river and the Ohio, and you are constantly listening to Richard Pearis, who cheats you of your land. If you go on at this rate, where will your young people, who are growing up, look for deer to pay for clothes and ammunition.

Mr. Cameron is with you ; if you attend to his advice you will do right. What I now tell you is for your own good. I have no interest in it, but to prevent your ruin.

There is a difference between the people in England and the white people in America. This is a matter that does not concern you ; they will decide it between themselves.

I shall do all in my power to procure for you a supply of necessities, but I expect you will put confidence in the great King's protection, and not listen to any talks against him, or his officers and governors. You have long known me. I always have told you the truth and given you good advice. I have sent Mr. Cameron amongst you to take care of your interest. Love him and hold him fast, and let no bad people hurt him. While I live you will have a father and a friend; if I happen to die, you will find out that you have lost a friend and well-wisher.

JOHN STUART.

The foregoing is a true copy of an original intercepted talk lodged in the Council of Safety.

Certified by      SETH JNO. CUTHBERT, *Sec'y.*

#### COPY OF JOHN STUART'S TALK TO THE CREEK INDIANS.

[Copy from the Original.]

ST. AUGUSTINE, August, 1775.

*To the Great and Small Medal Chiefs and Rulers of the Cowetas, Tallapassas, Abechkas, and Alibamons.*

FRIENDS AND BROTHERS:—I send this talk to be delivered by Mr. Taitt and the King's interpreters. You will pay attention to them, and believe what they tell you.

I was sorry to hear that the gunpowder, which the merchants and traders had sent for to England, that they might supply the red people with the necessary quantity for hunting and defence against their enemies, had been seized on account of a difference among the white people. It was on board a vessel which arrived lately at Savannah. They have, I understand, sent you some of it, but not a sufficient quantity for your necessities. I have been very uneasy for your distress, and have consulted with the Governors of St. Augustine, Georgia, and Charles Town, how to relieve you. I have been able to get some ammunition, and I now send this, to desire your beloved man, Mr. Taitt, to send down pack horses that they may be loaded back with powder and bullets, thereby to enable you to hunt and pay your debts, or to defend yourselves against your enemies. I have written by this opportunity to the Governor of Pensacola in your behalf, requesting that you may have such a supply of necessities from there and Mobile as they can afford. You will be convinced by this that I am attentive to your

interest and happiness, and that it is the great King's intention and orders, that you may be protected and supported whilst your people behave well and place your confidence in him and his officers, as well as in the beloved man sent to live among you.

You have known me for many years, and I never have deceived you. It is my particular duty to be attentive to your interest, and to see that justice is done to you. You may, therefore, rely on what I shall at any time tell you, by means of the beloved man, Mr. Taitt, for neither he or I can have any intention or interest to deceive you.

There is an unhappy dispute between the people of England and the white people of America, which, however, cannot affect you, as you can be supplied from Mobile, Pensacola, and this place, where the people live like brothers and enjoy peace; and it is not the intention of either party to hurt or molest you. Some of your people, as I am informed, met with Recruiting Provincial Officers in the back parts of Georgia. Let not that alarm you, as nothing is meant by it against you, or any other Nation of red people, but to decide a dispute among the white people themselves.

While you continue in a friendly disposition and faithfully attached to the King's interest, you shall frequently hear from me, and have every and all the assistance I can give you.

Given under my hand and seal at St. Augustine.

JOHN STUART.

The foregoing is a true copy taken from an original intercepted talk, lodged in the Council of Safety.

Certified by SETH JNO. CUTHBERT, *Sec'y.*

MR. DRAYTON TO THE COUNCIL OF SAFETY.

[Original MS.]

AT MR. HAMMOND'S, NEAR AUGUSTA, Aug. 30, 1775.

*To the Honorable the Council of Safety:*

GENTLEMEN:—I arrived here last night from Ninety-six, where Mr. Tennent and myself had a pretty numerous meeting. Mr. Tennent is gone for a few days towards the Long Canes; and I came here to see the people of Augusta and the settlements in these parts in my way to Amelia. By various accounts that I received on the road yesterday afternoon, last night, and this morning, it appears to be a fact that

Kirkland is actually in arms to attack Augusta and Fort Charlotte. The King's men as they are called were summoned to meet yesterday at a place about twenty miles from hence; they separated last night, and I am informed they will meet again in two or three days. They have been very diligent in obtaining arms. Cunningham and Brown are of the party.

In this situation of affairs, by virtue of your letter of the eleventh instant, I have ordered out three companies near this place to assemble immediately, and who will be joined by one hundred men from Augusta. I have ordered Major Williamson to march with three hundred men to Harden's Ford on Savannah River about thirty miles above this place. I have also ordered Col. Thomson to march his Rangers, and as near three hundred militia as he can, and take post at the Ridge; and Col. Richardson, with three hundred men, to take post near the mouth of Enoree, to be a check on Fletchall's people, in case they should show any intention of assisting Kirkland. I beg leave to recommend that a proper quantity of powder and ball be sent to Col. Richardson, so that he may be enabled to supply Col. Neyle's Regiment.

I have not been honored with any letters from you, but those of the 11th and 13th instant. However, as soon as Kirkland's party shall take the field, I shall hold myself fully authorized by your letter of the eleventh, and the necessity of affairs, to proceed to every extremity that may have a tendency to suppress those men who oppose the authority of Congress.

I am, gentlemen,

Your most obedt. sert.,

WM. HY. DRAYTON.

SOUTH CAROLINA—NINETY-SIX DISTRICT.

[Printed Circular.]

SNOW-HILL, August 30th, 1775.

*By the Honorable William Henry Drayton, Esquire:*

Whereas, by Commission from the Honorable the Council of Safety for this Colony, dated the 23rd day of July last, I am upon a progress through the country, "to explain to the people at large the nature of the unhappy disputes between Great Britain and the American Colonies; to endeavor to settle all political disputes with the people; to

quiet their minds; and to enforce the necessity of a general union, in order to preserve themselves and their children from slavery :'' And, whereas, the progress having been continued almost through the Colony with success to the State, satisfaction to the people, and, upon the most perfect principles, tending to promote peace and good order, for the purposes of the progress aforesaid, I did appoint, that a meeting of the people should be held, on Friday next, the first day of September, at the Ridge in the district aforesaid: But Whereas one Moses Kirkland having, without lawful authority, assembled men in arms, in the district aforesaid, it is but too evident, that, to his treachery against this Colony, he means to add crimes of a deeper dye, and, by force of arms, to violate the public peace: Wherefore it is become inexpedient that the intended meeting of the people should be held as aforesaid, lest the meeting should furnish occasion for civil bloodshed, which it is our purpose to avoid as long as may be possible :

And, whereas, by the arts, frauds, and misrepresentations, of the said Moses Kirkland, some weak and ignorant people have been led into measures of so criminal a nature, as, if persisted in, must inevitably involve them in destruction, from motives of humanity, I, therefore, do hereby recommend to all such persons, that they forthwith desist from following the counsels of the said Moses Kirkland in points tending to sedition and hostility; and I do hereby notify, that all such persons as, without lawful authority, shall assemble in arms, in company with, or by instigation of the said Moses Kirkland, will be deemed public enemies to be suppressed by the sword.

Given under my hand, at Snow-Hill, in the district aforesaid, this 30th of August, 1775.

WILLIAM HENRY DRAYTON.

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MR. TENNENT TO THE COUNCIL OF SAFETY.

[Original MS.]

LONG CANES, September 1, 1775.

*To the Council of Safety:*

GENTLEMEN :—This comes by Capt. George Reed's wagon from the Long Canes, where I am at present. I parted from Mr. Drayton on Monday morning; he steered his course to Augusta and thence designed for the camp at Amelia. I thought it necessary to visit the settlements on this side Saluda. Met a large congregation yesterday



and found the people divided in their sentiments. Spoke at least two hours to them to good effect. The prevailing party here is for American measures, by the agency of some of our worthy members, but they need confirmation. I have, therefore, appointed three meetings at which I expect to see the greater number of the disaffected. Shall then cross over into Fletchall's Regiment, once more, to be at an election appointed at Ford's on Enoree, where we expect great opposition, if not violence, from Cunningham's party. Brown will bring them to blood if he can—but still hope it may be prevented. I consider myself as running great risks, but think it my duty. Our visit has given their party a great shock, divided their friends and strengthened the American interest much. One of their chiefs confessed to me at Little River that he brought up the thanks of the Governor to Mr. Cunningham for what he has done and is doing. The Governor's intrigue here is as evident as the light of the sun. The evidences of their design by the Indians is no doubt clear to the Council from the paper sent down already. The inhabitants here are in great terror as far as they have heard of their danger, and that because they have no ammunition. The leaders have frequently dropped in company that they intend to form a camp. I am sure they will find a smaller number ready to befriend them than they imagine, but their dependence is upon the savages to join their army, and that the rest of the inhabitants will be forced to join them, to save their families from a massacre. I am taking proper measures in this District to prevent the horrible conspiracy. Three Volunteer companies are formed. One under Major Terry, who now seems animated in the cause; another under Capt. Pickens; a third under Capt. James McCall. More of the like kind is going on as fast as may be. The great difficulty is the want of ammunition. They evidently have a design upon Fort Charlotte and our friends cannot collect to defend it unless they are supplied. I have, therefore, promised them a supply. If you, gentlemen, therefore, think it proper, it will be of the greatest utility to send up one hundred or one hundred and fifty pounds powder, and some lead, by the bearer, Sam'l. Reed, who will effectually secrete it until delivered safe into the hands of the Volunteer Companies to be subject to the order of the Council, in case it is not used for the defence of the Colony. It will be effectually secured, and a small delay may be greatly dangerous. The same measure will be necessary on the other side Broad River. I could wish that Virginia might be alarmed and ready, and that a categorical answer might be demanded of the Cherokees, before the time of danger. The Creeks are in some danger from one Thompson, an emissary, now among them. I shall visit

Fort Charlotte before I return and hope to let you hear more particularly on these subjects next week, and am

Gentlemen, with great respect,

Your humble servt.,

WM. TENNENT.

P. S.—I shall back this letter to some unsuspected person that it may be less in danger of surprise from enemies.

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MR. TENNENT'S ORDERS TO CAPT. JNO. CALDWELL.

[Original MS.]

LONG CANES, September, 1775.

*To Capt. John Caldwell, at present in Fort Charlotte.*

SIR:—This is to direct you to employ six workmen to build platforms for fighting the cannon and small arms in the Fort you at present command, and as expeditiously as possible, to put it into the repair directed by orders from Major Mason, bearing date August 6th, 1775, now in your possession. You are to employ the men under your command to assist the workmen in the labor. You are also ordered to mount two of the best four-pounders on high wheels, that they be fit for either field or fort service, as need may require—shafts and collars being provided for them that they may be easily drawn with horses. For these you are to provide two ammunition boxes, cartridges, fuses, and all that may be needful for a march, and so fitted as to fasten on the carriages. Take great care that no man enter the Fort on any pretence, that you do not know and in whom you cannot place confidence. Be much upon your guard against surprise, especially in the night; for this purpose, as often as convenient, order out advanced sentinels and patrols. You are to clear away the standing corn to some distance from the Fort, and insist that the corn which is left be bladed and topped, nor leave any cover that may hide an enemy. In case of an alarm, and when the approach of an enemy is no longer dubious, you are to fire three cannon towards the thickest settlements as a signal; communicating timely notice of the same to the volunteer and other companies of militia that they may understand it, which companies are hereby ordered immediately to assemble and march under the command of their respective officers to your relief, or so to annoy the enemy as the service may require. And, whereas, there is a great scarcity of ammunition

among the militia, and an attack from Indians is to be apprehended, you are directed to give out 150 lbs. weight of the powder, and lead in proportion, under your care to the captains of the volunteer and other militia companies in the upper part of this district, who have associated, taking a receipt from them, and directing them so to dispose it among their men, as that it may be returned upon demand when it shall be apprehended that the danger is over. But when a supply of fresh powder shall be sent up by the Council of Safety, you are to exchange the fresh powder pound for pound for the old powder that you have already given out to as many as offer the same for an exchange. You are also ordered to dismiss your horses for the present, and not hazard your men by a grass guard; but the horses are not to be sent to such a distance as that they cannot be commanded within the space of a day and a half.

WM. TENNENT.

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EDWARD MORROW'S AFFIDAVIT CONCERNING POWDER FROM FORT CHARLOTTE.

[Original MS.]

SOUTH CAROLINA—NINETY-SIX DISTRICT.

*By David Anderson one of his Majesty's Justices of the said District, &c.*

Personally appeared before me, Edward Morrow, and made oath, that on the third day of this instant, he, the said deponent, as he was on his way to Broad river, he fell in company with Philip Wells, who went along with him some distance, and coming to a cross road about three miles north of said Wells' house, they there met with about 33 men, who were all well armed with guns, but one. Said Wells after some time, went aside with Capt. Benj. Wofford and Capt. John Ford, and had some private discourse by themselves, what they talked of he did not know, but after they had done discoursing, Philip Wells came back to him and asked him if he would go along back with them, to take some powder from Capt. Ralph Smith and 4 others, that had went to Fort Charlotte, and was expected, by them, to be brought along the Indian line and to cross Enoree at the line or thereabout; the said deponent went in company with them to the Indian line. Coming there, there was six men ordered over the river to the other side; the men left on this side asked Capts. Wofford and Ford what was to be done if

these men came along with the powder, orders was given by said Capts. Wofford and Ford to seize their horses by the bridles, and men ordered to go forward with their guns cocked to each man's breast, and order them to deliver up the powder, and if they offered to resist or raise their guns, to shoot them down. This deponent was chosen one that was to shoot; that they staid there all night, and till about 12 o'clock next day; then being ordered down the river in search of the men who had the powder, we came down the river about ten miles, but could make no discovery of the men and powder; it was then concluded on, that they would go home and provide themselves with provision and other necessaries, and raise as many men as they could, and take the powder by force wherever they could get it. And likewise, while this deponent was in company with them, there was several schemes proposed among them to take Fort Charlotte. Some was for surrounding it and starve them out; others was for scaling the walls. It was also much talked of, among the Company, that Cameron had a body of Indians that was ready to fall on the country when Cameron got orders from the Governor. And, likewise, it was talked of among the G company, that there was seven or eight men of war landed in Charlestown, with men who were to fall on the town, if they would not submit to the stamp act and all the other acts that was now disputed against, which they all seemed to be much pleased at this news. And further this deponent saith not.

EDWARD MORROW.

Sworn to and signed to before me the 9th day of September, A. D., 1775.

DAVID ANDERSON, *J. P.*

I do certify this to be a true copy, September the 11th, 1775.

J. THOMAS, JUN., *Clerk of Committee.*

*Fair Forest.*

MR. TENNENT TO THE COUNCIL OF SAFETY IN SAVANNAH.

[Original MS.]

ST. MATHEW'S PARISH, Sept. 10, 1775.

*To the Council of Safety in Savannah:*

GENTLEMEN:—Being on my return from the frontiers of South Carolina, where the Honorable Mr. Drayten and myself were sent by the Council of Safety of our Province, I think it my duty to acquaint you

that there exists in those parts a most dangerous conspiracy against the lives and liberties of these Colonies. Encouraged by Government and by the tories in your town and in Charlestown they have gone to great lengths. They do not hesitate to boast that they are furnished with ammunition and that even artillery are at their service any day. This I have by a trusty friend from Cunningham's mouth. I have great reason to think that they are mistaken when they boast of many thousands ready to come down at the Governor's signal—but that they have some hundreds actually enlisted, if not under pay, I make not the least doubt. That they depend upon the Cherokee nation to join their camp when it forms, and have great hopes of the Creeks, they do not pretend to keep any longer a secret. I am in possession of an affidavit by which it appears that the malcontents on the frontiers expect to gather into forts, and suffer the savages to pass on and massacre the associated inhabitants. By these circumstances, you gentlemen, will see the necessity of an immediate effort to crush the sedition, and save an effusion of innocent blood to the danger of these Provinces, and especially of the aid which you have already given to that important measure. It will be prudent to have at least one thousand five hundred, if not two thousand men, at hand when it is done; and a number not far short of that is, I hope, by this time in motion in the unhappy district. The King's men were already assembling at a ford above Augusta, and had it not been for the present unexpected armament, before this time, there is reason to apprehend, that place would have been assaulted. The tour which Mr. Drayton and I have made through the back parts has greatly weakened but not discouraged them. Many of their best hands are taken off from them, but supported by the party in both provinces who plainly intend to make those parts an asylum—they obstinately persevere. Expresses are constantly passing to and from them to Charlestown and Savannah, and I have reason to think, supplies of ammunition go up by single horses and in covered wagons from both places. Cunningham openly confesses that he has fifteen thousand pounds weight of good powder lately received. These things I thought it my duty to inform you of without loss of so much time as it would take to let it pass through the regular channel of our Council of Safety. And am with much respect,

Gentlemen, your most humble servt.,

WM. TENNENT.



MR. THOMAS, OF THE SPARTAN REGIMENT, TO MR. DRAYTON.

[Original MS.]

SPARTAN REGIMENT, Sept. 11, 1775.

*To the Honorable W. H. Drayton, Esq. :*

MAY IT PLEASE YOUR HONOR :—I this moment received your Honor's favor of the 10th instant, and very fortunately the command for this district was just assembled at my house in order to address the Council of Safety almost on the very purport of your Honor's letter, as we had all the reason in the world (and still have) to believe from good information, that the malignants are forming the most hellish schemes to frustrate the measures of the Continental Congress, and to use all those who are willing to stand by those measures in the most cruel manner. Your Honor will be fully convinced of the truth of this by perusing the papers transmitted herewith, to which I refer your Honor.

I shall comply with your Honor's orders as far as is in my power ; your Honor must suppose it impossible to raise the whole Regiment, as several have families, and no man would be left about the house if they should be called away. I shall make as large a draft as possible from every company, and in short, do every thing to the utmost of my power, and when encamped shall transmit to your Honor, as quick as possible, an account of my proceedings.

JOHN THOMAS.

JOSEPH WOFFORD'S AFFIDAVIT CONCERNING AN ATTEMPT TO RETAKE FORT CHARLOTTE.

[Original MS.]

SOUTH CAROLINA—NINETY-SIX DISTRICT.

*By John Thomas, Jun., and David Anderson, two of his Majesty's Justices, &c.*

Personally appeared before us Joseph Wofford, who being duly sworn, saith on his oath that he saw a letter sent by Col. Thomas Fletchall, or at least signed with his name to Benjamin Wofford, the said deponent's brother desiring him, the said Wofford, to give Captain John Ford word, that as he, Col. Fletchall, was informed that Maj. Mockerson and

Capt. Noddle or Noggin, with three or four others, were gone to Fort Charlotte, and for them to raise as many men as they could, to retake or take it away from the men that had the said powder.

JOS. WOFFORD.

Sworn to and signed before us the 11th day September, 1775.

DAVID ANDERSON,

J. THOMAS, JUN.

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MR. DRAYTON TO THE COUNCIL OF SAFETY.

[Original MS.]

HEAD QUARTERS AT NINETY-SIX, Sept. 11, 1775.

*To the Honorable the Council of Safety :*

GENTLEMEN :—I have been honored with your letters of the 31st of August and the first of September ; and I beg leave to return you my most respectful thanks for the confidence you have placed in me by your letter of the thirty-first. I hope I shall prove myself worthy of it, and I make no doubt but that I shall fully answer your expectations in restoring the country to a state of quietude by eradicating the opposition.

I am sorry to find, that I have not been sufficiently explicit respecting the commotions likely to follow upon the apprehending of Kirkland alone, or a certain number of people including him. But this must plead my apology—whenever I have the honor of addressing you, I remember the proverb—“a word to the wise is enough.” However, as it is my duty to reconcile what you looked upon as contradictions in my letter, allow me thus to do it ; and as I keep no copies of the letters I write to you, so I must quote from yours of the 31st : “ We learn that even the men under Fletchall’s command, are active, spirited and staunch in our interest and capable of being a severe check upon the same Fletchall’s people.” Fletchall’s command under the Governor, extends over the people about Lawson’s Fork, and the frontiers on that side ; yet these people are dissatisfied with his measures and conduct ; and as I have formed them into Volunteer Companies, they are, from their being staunch in our interest, capable of being a severe check upon those of the same Fletchall’s people who agree with him in opinion and are lower down in a very large district. And surely there cannot be anything surprising, new, or contradictory in this.

Again, “ We are also informed that if only Kirkland is seized, without doubt a commotion will follow ; that if a dozen persons are allowed

to be at large, we shall be involved in a civil war in spite of our teeth. If the seizing Kirkland will infallibly cause a commotion, what will follow the capture or attempt to seize eleven others, among whom are men of infinitely more popularity and importance than Kirkland?" My information as above is just, and I thus beg leave to be more full upon the subject as an answer to your question. The seizing of Kirkland alone would draw on a commotion—because the other eleven consider him as of their party, that an attack upon him, is therefore, an attack upon them; and by being at liberty they would be enabled to raise a commotion either to revenge the attack, or to make reprisal, and procure a proper person to exchange for Kirkland. Such was their declared purpose, therefore, upon the seizure of Kirkland alone. I was warranted to say, without doubt, a commotion would follow. But your question is, if the seizing of Kirkland will cause a commotion, what will follow the capture of eleven others of the party? I apprehend you think the most ruinous consequences. I beg leave to own a contrary idea. If Kirkland was taken, a dangerous commotion would probably arise, because a number of leaders would be left to excite one. As Kirkland must be taken, so if the others were taken also, a commotion could but follow; which could not be continued any time, or be any thing animated or formidable; and more probably could not even be excited or raised, because the heads of the party would be in our custody. So that to me it is clear, that to seize the head men would be a safer step, by running a less risk of a formidable commotion, or of any, than by seizing Kirkland alone. So that I hope by my being now more explicit, you will be of opinion that all my explanation is comprehended in "the various parts of my intelligence above recited." The affidavit No. 2; shews the sense of the people respecting the capture of Kirkland to be, as I have represented it.

I shall now proceed to give an account of my conduct since my letter from Mr. Hammond's.

The letter number 1, was the first written information of Kirkland assembling armed men. That men were assembled in arms, and by Kirkland, appears by the affidavits No. 2 and No. 3. That the object of their attack was generally thought to be Augusta and Fort Charlotte appears by the above numbers 1, 2, and 3, and also the affidavits Nos. 4, and 5. That Kirkland had armed men about him appears by the affidavits Nos. 3 and 6. And that he had evil intentions in general, and of extending the opposition in particular, appears by all the above affidavits and by that marked No. 7. All which I inclose in one parcel. As I had no doubt of Kirkland's intentions, I lost no time in op-

posing them. In addition to the measure of which I informed you in my last letter, I issued the inclosed declaration and published it as generally as I could. It had the desired effect. And this with the assembling of the militia so terrified Kirkland's followers, that now he is in a manner alone, and having tried every effort to procure assistance on the south side of Saluda in vain, he is now invisible—is never two hours in a place, and never sleeps in a house. He has sent to me to make terms. He offers to quit the province, or to become a prisoner on conditions reserving his life. I have informed him I cannot grant any such. That as he has violated the laws he must stand his trial by those laws. That if he surrendered to the course of law, such a conduct would entitle him to mercy, and that he would be treated as gently as was consistent with the public safety. But that I neither could or would make any terms with him but on unconditioned surrender to a due course of law. He means to flee the country as he is clear he cannot find any protection against our proceedings. Enclosed is a letter of his, No. 8, which I intercepted, and clearly shows his idea of danger. But I mean, if possible, to seize him. The assembling the militia was tedious. I marched from Mr. Hammond's last Wednesday after sun set, and arrived here on Friday evening with about one hundred and twenty men and four pieces of cannon. The whole country, that is the King's men as they are called, were terrified by the march and the cannon. We picked up a few prisoners, heads in that part of the country; and this has so completed their fears, that people of that party now daily come in from those quarters to make their peace. As the Georgians raised men to oppose Kirkland, they are come on with me. Their number is eighty-four men and officers. I have also one hundred and forty-one Carolinians—total 225 men and officers. Immediately upon my arrival here I sent a party to surprise Cunningham. He was absent from home since the day before; but our men took his letters, the most material of which I enclose to you. In particular I refer you to two letters from Fletchall.

Yesterday I received notice that a party of men were forming about twenty miles off, and over Saluda. I immediately detached one hundred horsemen to observe their motions and to cause them to disperse. In their march they received what appeared to be well authenticated information, that Fletchall and all his party were joined with the above party and were to attack us about 2 in the morning. I received this information about 4 in the afternoon, just as I was going to dinner. I immediately consulted with Major Mason, Major Williamson, and Capt. Hammond. We had a choice of three steps; to retreat towards Col.

Thomson then at the Ridge—to defend Ninety-Six—or to march and ambuscade the enemy. If the first put a small force out of reach of a greatly superior one, the retreat would dishearten our men, the enemy would be encouraged, and we should be, though safe, yet in some degree disgraced. The second was difficult—the court house was not musket proof—and the prison could not contain a third of our men. We chose the last, for these reasons: The enemy coming to surprise us, would never expect to be surprised by us. A surprise upon them, under no subordination and in the night, would be fatal to them, and it is a maxim, that it is better to attack than to receive one. I fortified the prison by mounting a gun in each room below, in each of which I placed a small guard; I lodged the powder in the dungeon. Nothing but setting the prison on fire could force it. In the mean time the body of horse had halted, and I sent Major Mayson to post them in ambuscade at a ford on Saluda, about six miles off. After dark, I marched 100 infantry about a mile and a half from Ninety-Six, and posted them to the best advantage in ambush on this side. If the enemy should defeat our forces at the river, they could not do it without a considerable loss. This must damp their ardor, and upon their falling into another ambush the same night and sustaining at least as heavy a loss as before, they must fly on all sides, be their numbers ever so great, and especially such soldiers as they are. Having posted these men about 10 o'clock, I then, with Major Williamson, mounted and proceeded to the river. I took the liberty, in as polite a manner as I could, to alter the Major's (Mayson) disposition, with the perfect approbation of Major Williamson. We now in good order awaited the approach of the enemy, for I thought it my duty to continue here to head the attack, which I saw clearly must defeat the enemy totally. In this expectation we continued till past two in the morning, when I received certain accounts, that the alarm was false. However, to have every thing safe, and as the horses were in a good pasture, I continued the men on the post, and about half past three, I arrived at Ninety-Six with the infantry; and then I sat down to dinner. I have the pleasure to assure you the men behaved with the most perfect obedience, and demonstrated the firmest resolution.

I flatter myself, gentleman, that your confidence in my prudence is not misplaced. I readily advise with those about me, who, I think, are prudent men, and then I form my own judgment, and you may depend upon it, that I shall continue in this conduct. I have been thus particular in my account of the steps taken, on the occasion of the above alarm, not out of any ostentation, but, because as this is a new



business in my hands, you may fully judge whether I have conducted it with propriety, and discharge your trust from the public by committing it to other hands, if you should, by a view of my conduct, deem mine inadequate to this task.

Fletcher, Brown and Cunningham have been, since the first alarm that I wrote you of, and still are endeavoring to assemble men, as they yet have no force embodied; it is plain their influence is declining, and that their people are terrified. And this last, I assure you, is a fact. They never dreamed we would take the field; they thought their boast of 4,000 would ensure their security against us. And I have well-grounded information, that the assembling they are now endeavoring to make, is with a view to make terms of accommodation, so as they may be quiet (that is for the present, while the Governor cannot assist them, as he tells them) and trade to Charles Town, rather than with any design of fighting. I think Cunningham had only an hundred men at the meeting which gave occasion for our late alarm; and even these, I have received certain intelligence, have no determination. In three days I shall begin to march into the heart of Fletcher's quarters with about 800 men and 6 pieces of canon. I can now, in all human probability, promise to you, that this cruel opposition will be crushed without blood spilt in battle; and if I shall be unhappily mistaken on this point—the opposition, to all human appearance, will be rooted out without risk on our side.

I enclose an affidavit respecting the conduct of the Governor; the demand of the oath from the officers, is not warranted by the law. The demand casts an imputation on the officers. The demand is an insult to the subject. It is calculated to have a pernicious effect; for the country people do not understand the nature of such oaths, and a militia commission is valuable among them.

I beg to have some copies of the Association sent up, and some paper. I also beg you will excuse the inaccuracy of my letter, for I see, hear and answer so many people, being constantly interrupted; and the unusual fatigue of yesterday and the night, not being yet gone off, that I wonder the letter is so connected as it is.

I have the honor to be, gentlemen,

Your most obedient servant,

WM. HY. DRAYTON.

P. S. I expect Col. Thomson will arrive here to-morrow morning. Please to pay the Express £25.

## ANDREW McLEAN'S LETTER TO WILLIAM HENRY DRAYTON.

[Original MS.]

September 12th, 1775.

SIR :—Yesterday afternoon I arrived here from Fort Prince George. I left Mr. Cooper on his way down, and I expect him either this day or to-morrow here ; I was obliged to come ahead, as I had fixed a day to meet some people, of whom I was to buy some land up the river.

On the return of a man which Mr. Cooper sent to Pee Dee, he immediately came to the resolution of going the length of Fort Prince George, as this happened at my own table, and as I was acquainted with the road, people, &c., I could do no less than to offer of accompanying him three days. Afterwards (I am sure of no less) I heard a letter for me was stopped at Fort Charlotte, containing some Indian intelligence from Mr. Cameron, the Deputy Superintendent. As I was sure there could be nothing in it that could affect me, I thought nothing further about it ; but as I was going up the country, at any rate, I would give Capt. Caldwell a call, which I did, and found the contents to be much the same as I had before guessed. I thought nothing further of the matter, and the day we spent at Fort Prince George, I mentioned it to Mr. Cameron in presence of Mr. Cooper ; he expressed his concern at his writing it in such a hurry, that he was sure it must be very incorrect ; he and Mr. Cooper had several long conversations which the latter was to relate to you. Believe me, sir, you hear and have heard what is not true relative to him, though he has not the pleasure of your acquaintance ; yet, if he knew at any time you was within fifty miles to where he resides, he would wait on you. Let me assure you, sir, so diabolical, so very infernal a thought never once entered his head, and if any person should be devilish enough to give him such orders, I will pledge my life, and my possession, he will not comply with them ; and from what passed betwixt him and Mr. Cooper, I am sure he will also say full as much for him. He would accompany us down, had he not some days previous to our arrival in the Indian country, promised to visit the Over Hills, at the request of the leading chiefs. We had the perusal of their talk, to his answer. In short, sir, any doubt with respect of him can, by Mr. Cooper, be removed ; he also told us that he opened himself to his friend, Mr. Williamson, on this head, and never to any other, us two excepted. There are some Indians with you now, pardon me, sir, for just mentioning, that the person who may be the linguist, should be a person of veracity.

it being the sincere wish and desire of all parts of the Colony to live in peace and friendship with each other: Wherefore, for the clearing up of the said misunderstandings, and for the manifestation of the wish and desire aforesaid, Colonel Thomas Fletchall, Captain John Ford, Captain Thomas Greer, Captain Evan McLaurin, the Reverend Philip Mulkey, Mr. Robert Merrick and Captain Benjamin Wofford, deputies for, and sent by the part of the people aforesaid, have repaired to the camp of the Honorable William Henry Drayton, Esquire, acting under the authority of the Council of Safety for this Colony; and, for the purposes aforesaid, it is hereby contracted, agreed, and declared by the Honorable William Henry Drayton, in pursuance of powers vested in him by the Honorable the Council of Safety as aforesaid on the one part, and the deputies aforesaid, in pursuance of powers vested in them by the said part of the people on the other part:

1st. That the said declining of the part of the people aforesaid, to accede as aforesaid, did not proceed from any ill or even unfriendly principle or design, in them the said part of the people, to or against the principles or designs of the Congress of this Colony, or authorities derived from that body, but proceeded only from a desire to abide in their usual peace and tranquility.

2d. That the said part of the people, never did mean to aid, assist or join the British troops as aforesaid; and hereby it is declared, that if at any time during the present unhappy disputes between Great Britain and North America, any British troops shall or may arrive in this Colony, the deputies aforesaid, for themselves and the part of the people aforesaid, by whom they, the said deputies, are authorized, and whom they do represent, declare that if any British troops as aforesaid, shall arrive as aforesaid, they, the said deputies, on the part of the people aforesaid, shall not, and will not give, yield, or afford, directly or indirectly to, or for the use, advantage or comfort of the said British troops, or any part of them, any aid or assistance whatsoever, or hold with them the said troops, or any part of them, any communication or correspondence.

3rd. That if at any time during the unhappy disputes as aforesaid, any person or persons of the part of the people aforesaid, shall, by discourse or word, reflect upon, censure or condemn, or by any conduct oppose the proceedings of the Congress of this Colony, or authorities derived from them, the said Congress, the Council of Safety, or General Committee, as the case may be, shall, without being deemed to give any umbrage to the part of the people aforesaid, send to any of the deputies aforesaid to make requisition, that any and every such person

or persons as aforesaid, offending in any of the premises aforesaid, against the proceedings of the Congress or authorities aforesaid, may, and shall be delivered up to the authority of the Congress, or the tribunals under that authority, to be questioned and tried and proceeded against, according to the mode of proceedings by authority of Congress; and if such person or persons as aforesaid, be not delivered up as aforesaid, within fourteen days after requisition as aforesaid; then, in such case, the Congress or Council of Safety, or General Committee, may, and shall be at liberty to use every means, to apprehend any, and every such person or persons as last aforesaid; and question, try, and proceed against as aforesaid, every such person or persons as aforesaid.

4th. That if any person or persons who has, or have signed, or shall sign the Association aforesaid, shall, without authority of Congress, molest any person or persons of the part of the people aforesaid, in such case, application shall be made to the said Congress, or Council of Safety, or General Committee, in order that such person or persons so molesting, be punished for, and restrained from molesting as aforesaid.

And it is hereby declared, that all and every person of the part of the people as aforesaid, not offending in or against any of the premises aforesaid, shall, and may continue to dwell and remain at home as usual, safe in their lives, persons, and property. Such being nothing more, than what has been, and is the aim, intencion and inclination of the Congress of this Colony, and the authorities under that body.

All persons who shall not consider themselves as bound by this treaty must abide by the consequences.

Done at the camp, near Ninety-Six, this 16th day of September, 1775.

WM. HY. DRAYTON,  
THO. FLETCHALL,  
JOHN FORD,  
THO. GREER,  
EVAN McLAURIN,  
BENJ. WOFFORD.

*Witness,*

WM. THOMSON,  
ELI KERSHAW,  
FRANCIS SALVADOR.

## MR. DRAYTON TO THE COUNCIL OF SAFETY.

[Original MS.]

CAMP NEAR NINETY-SIX, September 17th. 1775.

*To the Honorable the Council of Safety :*

GENTLEMEN :—In answer to your favor of the 5th of September, I beg leave to attempt to reconcile what appeared to you somewhat irregular, in my making application for new powers in my letter from Lawson's Fork, and then, in my letter of the 30th of August, my declaring that I considered myself as vested with the most ample powers from your letter of the 11th of August which I had received when I wrote mine of the 30th of August.

My assuming and exercising the powers contained in your letter of the 11th, was only in consequence of the event mentioned in the letter from the committee at Augusta, of the 6th of August, viz : "*Fletchall's men*" in arms "*marching to Augusta.*" When I received that letter, there were no such men, or any men in arms against us, or Augusta, therefore those powers could not be exercised, and I could not possibly, from them, deem myself authorized at every risk, to seize such men as I thought were enemies to the public. But when, on the 29th of August, I found Fletchall's men, that is, those who had signed his Association were, under Kirkland, actually in arms, and, by general account, upon a design of marching to Augusta or Fort Charlotte, then I thought the letter of the 11th, was applicable to the time and event ; and, accordingly, in mine of the 30th, I declared that I thought myself authorized to exercise those powers, which, till that time and event, had, from the nature of them, slept. I flatter myself, gentlemen, this conduct will shew, that I mean to execute your orders punctually ; and that I am tenderly cautious not to proceed beyond the powers, with which I am clearly sensible that I have the honor to be invested by you.

In respect to your intended distribution of powder, I beg leave to advise that no powder be distributed into the Fork, or Ninety-Six District.

On Tuesday I found, that the 100 men Cunningham had on Sunday were but the first of a large party that had been summoned to meet at Neal's Mill, about ten miles over Saluda. About 3 o'clock on Tuesday afternoon, I was joined at Ninety-Six by Col. Thomson and a few of his militia. It was Wednesday before I was joined by any of Major



Williamson's regiment, and it was Thursday, before I was joined by any considerable number of it. In the mean time, the enemy increased in numbers, at least as fast as I did, and by the best accounts I could depend upon, they increased faster. Fletchall joined them on Tuesday night. In the mean time, on Tuesday evening I placed all the troops in camp, about three-fourths of a mile from Ninety-Six. I caused the most exact order to be observed, even in an army composed of militia in a manner. The advanced posts are regularly and punctually kept all around the camp; and it is not only surprising, but it must be animating to the people of this country, that this army, never in service before, and now about 1,100 strong, obey punctually, keep good order in camp, are cheerful and content—even although we have had constant rains since we have been encamped. Till yesterday, this army did not exceed 900 strong, and by the best accounts I could learn, Fletchall's camp removed to about four miles on the other side Saluda, contained from 1,200 to 1,400 badly armed and under no order or command. Our people were impatient to be led against them—but as I saw if I advanced to attack, many lives must be lost, and I found I had a perfect command over our people, and could keep them together as long as I pleased—as I had every reason to think the enemy being under no command, and having no regular supplies of provision, and the weather being bad, that they could not keep long together, and that having their greatest influx, their numbers would then ebb and diminish; these considerations determined me, with the perfect approbation of Col. Thomson, Maj. Williamson and Capt. Hammond, to continue encamped, and to watch their motions. With this view, I put every thing in practice to persuade the enemy that I would persevere in this plan; and, among other devices, I sent a letter directed to Col. Richardson, in order that they should intercept it. I put forth a declaration on the 13th, which I enclose, together with the affidavit on which I grounded it. The declaration was publicly read in their camp the next day. This, together with a series of negotiations, procured a deputation from their camp to me: and yesterday the deputies being in my camp, I drew up, and, with them, signed the enclosed instrument dated the 16th of September. I beg leave to inform you, that in the Governor's letter to Moses Kirkland, of the 29th of August, he declares that he has twice represented to Lord Dartmouth, the "very meritorious conduct of the gentlemen in the back country," and that "he shall not fail by the next packet to mention the fresh proof of their zeal for the King's service." Is not this Governor Martin over again? Was it not in consequence of such information, that Martin had orders to arm

one part of his province against the other! Depend upon it, this message in the Governor's letter is fact. I shall endeavor to procure an exact copy of that letter. To give the lie direct to the Governor's information at home, this instrument is exactly calculated. And it will clearly demonstrate under the parties own hands, that so far from their being a party in favor of the King, and inimical to us, they are not even unfriendly to our designs, nor will they hold any communication with the King's troops. And, in addition to all this, they are bound, neither by word or action, to censure, or oppose proceedings of Congress, &c., and, if any offend, they are bound to relieve them, or allow us to take them. With this treaty, the spirit of discord is gone forth among them, and there is now a great quarrel between Fletchall and Cunningham. All the people in a manner approve of Fletchall's conduct, and they are, this morning, all gone off with him. Cunningham is now left at their camp with only about 60 men, who, I suppose, will soon disperse. I am persuaded Fletchall and his people will be true, and I make no doubt but that the affair is now crushed. I have employed people to watch Cunningham, and if he offends, he will be delivered up or taken by us to be proceeded against. Kirkland stands excepted from the benefit of the treaty—they have nothing to do with him, they disclaim all communication with him. And I continue to pursue him. It is apprehended he may get on board the man-of-war. This settlement of the affair, gentlemen, I hope will meet with your approbation. At any rate, I assure you I have proceeded in it with the utmost caution and deliberation.

But, after all, I assure you our safety is utterly precarious while the Governor is at liberty. He animates these men—he tempts them—and although they are now recovered, yet their fidelity is precarious, if he is at liberty to jog them again, and lay new toils for them. Gentlemen, allow me, in the strongest terms, to recommend that you make hostages of the Governor and the officers. To do this, is not more dangerous to us than what we have done. It will secure our safety, which, otherwise, will be in danger. I would also recommend that the trade with the country be opened. It will give infinite satisfaction. It will convince every person of the rectitude of our designs. It will obliterate a distinction, which, now if permitted to remain, will give Fletchall's people room to sell their provision, &c., to the King's troops, and thus renew a communication; and, indeed, if we will not trade with them, we cannot in conscience blame them for trading with those who will trade with them. And this seems to correspond with the spirit of

the Resolution of the General Committee, August 23rd—"but also to give such assurances," &c., &c. I am clearly of opinion, that upon the instrument of the 16th of September, such a relaxation might be grounded. I am persuaded it will be attended with the most salutary consequences; and, therefore, I do most heartily recommend that it may be done. But, above all things, I think it is my duty most strongly to represent, that the Governor should be taken into custody.

I beg leave also to represent, that the declaration of the 13th, and the instrument of the 16th instant, be not only printed generally in the Gazettes, and in sheets to be immediately, by the Committee of Intelligence, circulated throughout the Colony, to give general notification thereof, which is greedily desired, and to prevent erroneous copies; but that they be published in England for this reason, they will show that no part of the people of this Colony are even unfriendly to the designs of Congress; that none of the people will encourage any person, even by word, to condemn our proceedings, that all offenders shall be delivered up to punishment; that no part of the people will even hold any communication with the King's troops. All this will be in direct contradiction to the Governor's representation of the meritorious conduct and zeal of Fletchall's people for the King's service. And for all this to appear is of infinite importance; and infinitely preferable to our having put a part of those people to the sword; which would not only have laid the foundation for lasting animosities, but would convince the administration that the Governor's representations were true, that there was a strong party here against the Congress, all which would invite them to send a strong body of troops here; and that very early.

I now hear that all Cunningham's party are dispersed. I began this letter in the morning, and I am now writing by the light of lightwood; and yet I have lost no time in proceeding with my letter. To-morrow I shall discharge the militia. To-day I returned the army public thanks—they are, really, a fine body of men.

I enclose a letter from Mr. Wilkinson; I mean to stay here with the rangers some days, to watch the consequences of the violence mentioned in that letter. In the mean time, I shall, to-morrow, send off a company of rangers, in order to quiet the fears of the people above, but with orders not to advance any thing near the Indian line. I have not yet seen Pearis and his Indians, but I expect to see them in a few days, after which I shall return to Charles Town. I have sent a letter

to Wilkinson, assuring him that all possible inquiry shall be made to find the offenders against the Indians, and that justice shall be done.

I have the honor to be, gentlemen,

Your most obedient servant,

WM. HY. DRAYTON.

EDWARD THORNBROUGH TO HENRY LAURENS.

[Original MS.]

JAMES' SLOOP, REBELLION ROAD, S. C., Sept. 19th, 1775.

SIR:—In answer to your letter of this day, I have only to say, that I would not offer such an affront to your judgment, as to give reasons for my conduct, which I think must be obvious to you; and you may be assured, that whilst I have the honor of commanding one of His Majesty's ships, I am determined to have the assistance of a pilot; and every necessary supply, *by force*, if I cannot obtain them in an *amicable* way, which I shall ever *prefer*.

I am, sir,

Your most humble servant,

EDW'D. THORNBROUGH.

MR. DRAYTON TO MR. CUNNINGHAM.

[From Copy Original MS.]

NINETY-SIX, Sept. 21st, 1775.

*Robert Cunningham, Esq.*

SIR:—My only intention in coming into the country was to promote peace, and to ascertain whether there were any people possessed of a disposition to run counter to, and to oppose the efforts of America, and to lift their arms against their country, their old acquaintances, and their friends and relations, in order to assist British troops if any should arrive here.

It was, therefore, with the highest pleasure, that on the 16th instant, I, together with Colonel Fletchall and other gentlemen, signed an instrument of writing, fully clearing up all the particulars above mentioned. As I cherish the best opinion of the honor of Colonel

Fletchall, and the gentlemen who signed after him, so I persuade myself they will do all in their power to execute what they have contracted, as I shall do on my part. But it was with concern, that I have heard that you do not hold yourself as included in the above instrument of writing, and that you will not be bound by it. I am sincerely inclined to believe that these are not your sentiments; I do most heartily wish that it will turn out the information is erroneous. I, therefore, sir, entreat that you will, as soon as may be, favor me with an answer to this letter, assuring me that you hold yourself as included in the above instrument of writing. Such a conduct in you will give me particular pleasure. But that I may be under no mistake, I am sorry to be under a necessity of saying, that unless I shall be favored by you as above, common sense will dictate to me, that you do not hold yourself as included in the above instrument of writing.

I am, sir,

Your most obedt. sert.,

W. H. D.

P. S. Mr. James Williams will convey to me, any letter you may think proper to favor me with.

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MR. LAURENS TO MR. DRAYTON.

[Original MS.]

CHARLES TOWN, September 21st, 1775.

SIR:—We refer to our last dated the 15th, by your messenger from Ninety-Six, which we hope has reached you, and that you are now on your way to meet those Indians, who, led by Capt. Pearis, came from the Cherokees at your command, and who have, in the utmost anxiety and impatience, been many days waiting for you.

We have several copies of intercepted letters from the superintendent at St. Augustine to his agents in the Nation. They look so much like design to amuse us, that we hold it unnecessary to trouble you with them, but since you have entered upon that branch, a caution against every stratagem may not be unnecessary. Capt. Pearis applies for a commission to the Good Warrior; if one is granted it must be especial, and you will be the best judge of the necessary terms. We have, therefore, referred him to you.

Col. Wofford has likewise applied for commissions, in order to erect a whole regiment in the Colony's service from Fletchall's district. For



This very day there has been upwards of a dozen people here respecting the latter, already mentioned by me ; their minds, I find are much disturbed. I never once thought of asking Mr. Cameron for a copy of it, taking it for granted, I should hear no more respecting it, as this is the case. And as I want to see you before your departure from the frontiers, I came to the resolution of paying my respects to you, at Ninety-Six, next Friday, I know Mr. Cooper will go, as he has business to communicate to you. And Mr. Walton, who called in just now, tells me he will also go the length of Ninety-Six.

The people on the frontier of your province were much alarmed as I came through Long Canes last Sunday ; they heard that Messrs. Brown, Cunningham, &c., were bringing down Indians on them. I eased their minds, by assuring them that neither the one or the other were true. I have given you much trouble, sir, but as it concerns the public welfare, I flatter myself of its being well received. Excuse hurry, and believe me to be, with profound respect, sir,

Your most obedient,

And most humble servant,

AND. McLEAN.

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#### LETTER TO MR. DRAYTON.

[Original MS.]

September 12th, 1775.

HONORED SIR :—The Association paper was delivered the 7th instant, at James Ford's, as you desired. There was but a small gathering—the chief of the whole were liberty boys. They put fourteen members up, but did not close the poll, while the 26th of the month which is appointed, will be at Hammond's Old Store on Bush river, &c. There is a dedamus come up from the Governor, authorizing Col. Fletchall, Lieut. Col. Kirkland, Capt. Cunningham, Champ Terry and John Ford, to administer the oath of allegiance to all the officers, both civil and military, on which they are advertised to meet the 19th of this month at James Ford's ; and it is said there will be a general muster the 26th of the month, as that and the election ought not to be held on the same day. Since you were here, in our quarters, the people seem to be very favorable to Liberty, and a great many have signed the Association paper. As to the taking of Majors Robinson and Hendricks ; how that is, you are as well acquainted with, by this time, as I am. Lord Moses is on

his keeping, and, it is said, intends to get aboard a man-of-war. The people say he must return to his first faith, they will not have him. I believe there is a letter exhibited to the Governor of his character and behavior. Since the killing of the man's cow, to this day, it ruffles the people very much. They say he is spurious, and cannot be proved to the contrary.

It has very much disgusted the people that such a man should be appointed to act in any office at all. Notwithstanding, there are some who rely on his knowledge, that he will be planning something; so while he is skulking that will be to advantage.

Colonel Fletchall is very much displeased with Mr. Terry; lays all the fault to him of taking the powder and ammunition from Ninety-Six. He spoke very disrespectfully of him in public. He said Mr. Terry came to his muster and joined with them, and informed where the powder was, and insisted on their taking it; and said if they would not, he would go with a small party and take it himself. They are almost ready to shake the two in a box. Treachery is much despised in these times; but what can poor men do when a panic seizes, and all strength fails; it is good to have lenity with consideration.

Since you were up there, five Liberty boys have been sent off to Fort Charlotte for powder. Their orders were, that when they got the ammunition, to return to Capt. Wofford's, and then keep the Indian line for safety. The thing was known, and a party of the other side, about 40 men, took the line to meet them, resolved to take the powder from them. About 100 Liberty boys set out immediately, resolving they should not. However, the two companies did not meet in the woods; and, fortunately, the five men, instead of following their directions, returned through the settlements with the powder, and were not obstructed. If they had met, it is thought there would have been bloodshed.

So I conclude, as I have nothing more material to relate.

I am your obedient servant,

To serve some particular reason at present, I subscribe myself

BLANK.

N. B. You cannot fail to know who this paper comes from; if you should have any reason to write to me, it shall be answered with the truth and nothing else. Yours, &c., &c.

## SOUTH CAROLINA—NINETY-SIX DISTRICT.

[Original MS.]

September 12th, 1775.

*To- Wit :*

We, the underwritten subscribers, being deeply affected at this time, on account of the present innovations that of late have taken place, and still seem to be continued between Great Britain and the American Colonies; and also being well convinced that great precaution ought to be used by every person, in supporting and maintaining our rights and privileges which we are entitled to, as being free born according to known laws of nature and nations; and further, being so situated, that an extended tract of land, within the limits of this Province, lies much exposed to the executions of an Indian enemy, should the present seeming ill-disposed minds of those savages be disturbed by any ill-disposed person, who wisheth ill to the common peace and tranquility of the British Empire, and being fully minded to do every thing in our power consistent with the obligations that we lay under to our country in general, to ourselves as free men, and to our posterity, we, and each of us, for ourselves, do unanimously agree, and into strict compact enter, as one man, with heart and hand to defend this country, as far as in us lie, and that the same may be effected in the most salutary way of the least cost to this Province, or America in general: We do hereby engage to furnish ourselves with good arms and accoutrements, and also to hold ourselves in readiness as a troop of horse, to march at 24 hours' notice, under the command of our proper officers, commissioned by the Honorable the Council of Safety, and that the world may be fully satisfied of our loyal intention, we propose to defend our country in her liberties from any invasion whatsoever, and all, as ready free volunteers, unless when we may be called upon duty, and then we expect according to the pay of the other troops commissioned and paid by the Government.

And we also further agree, that as soon as thirty men or more, well equipped, have entered and subscribed their names hereunto, then we hold it most proper to choose our officers by a majority of the votes of the volunteers so entered. To which we engage to perform truly.

Given under our hands this 12th day of September, 1775.

DAVID HUNTER,  
JOHN CALHOUN,

JOHN NORWOOD,  
MICHAEL BLAINY,

EDWARD THOMAS,	JAMES HENDERSON,
DEMPSEY JOINER,	ALLEN NAGGIT,
SAMUEL HOPKINS,	SAMUEL BLACK,
JAS. LIDDELL,	BENJAMIN HAYS,
JAMES MORROW,	JAMES BIRMINGHAM,
MOSES LIDDELL,	JAMES MEORY,
WILLIAM BLACK,	JARED LIDDELL,
SAMUEL MILLER,	JAMES WEEMS,
WILLIAM MILLER, SEN'R.,	DAVID MILLER,
WILLIAM MILLER, JUN'R.,	ROB'T. BOND,
THOMAS WILSON,	THOMAS TURNER,
JOHN WELCH,	WILLIAM BOYS,
HARRIS TYNER,	JAS. HARRALL,
JAMES STEVENSON,	JNO. STEVENSON,
AND'W. MILLER,	HUGH STEVENSON,
JOHN MILLER,	ALEX'R. STEVENSON,
ROBERT MILLER,	HERMON KALB,
STEPHEN STEVENS,	WM. ROWIEL,
WILLIAM ROSS,	JOS. ROWIEL,
CALEB JYNER,	WM. WALLACE,
JOHN JOHNSON,	JNO. ADAIR,
THOMAS LESEY,	THOS. BATEY,
LEWIS FALOW,	JAS. JONES,
GIDEON HOLMES,	JNO. McKADAM,
JOHN McAVOY,	JAS. ANDERSON,
ARTHUR HENDERSON,	WM. WALLACE.

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DECLARATION.

SOUTH CAROLINA—NINETY-SIX DISTRICT.

[Printed Circular.]

CAMP, NEAR NINETY-SIX, September 13th, 1775.

*By the Honorable William Henry Drayton, Esq.; A Declaration.*

Whereas, the liberties of America being treacherously and cruelly violated, by an abandoned administration in Great Britain, surrounding the throne, and deceiving Majesty, for their own corrupt purposes, thirteen American Colonies, including New Hampshire to the North,

and Georgia to the South, virtuously, gloriously, thanks to the Lord of Hosts ! successfully are confederated, at the hazard of their lives and fortunes, to wrest from the hands of traitors those invaluable which they had ravished from them, and which the Americans have endeavored to recover by every peaceable mode of application.

And, whereas, the tools of administration have encouraged certain inhabitants of this Colony to attempt, by every practicable measure, to oppose and to counteract the virtuous efforts of America, these inhabitants, men of low degree among us, though of eminence in this new country ; men totally illiterate, though of common natural parts ; men endeavoring, at this calamitous time, to rise in the world by misleading their honest neighbors ; men who are, by his Excellency the Governor, promised to be amply rewarded for such an infamous conduct. These men, knowingly deceiving their neighbors, and wickedly selling their country, have practised every art, fraud, and misrepresentation, to raise in this Province an opposition to the voice of America. To oppose this hellish plan, the Honorable the Council of Safety for this Colony, commissioned the Reverend William Tennent, and myself, to make a progress through the disturbed parts of this Colony, "to explain to the people at large the nature of the unhappy disputes between Great Britain and the American Colonies." Thousands heard and believed us ; they owned their full conviction ; they expressed their concern, that they had been misled ; and they most sincerely acceded to the Association formed by the authority of our late Congress. Such a proceeding did not accord with the designs of these men, betrayers of their country, or the wishes of his Excellency the Governor, who, by letters, instigated them to strengthen their party. To prevent a farther detection, the leaders of the party resolved, by the din of arms, to drown the voice of reason. For such an infernal purpose, by the instigation of Moses Kirkland, on or about the 29th of August last, men did actually assemble in arms, and with hostile intentions. My immediately assembling, and marching with a part of the militia, caused these men to disperse ; but now other leaders, of the same malignant party, correspondents of his Excellency the Governor, have assembled men in arms, on the north side of Saluda river, who are now actually encamped at a charge and expense which his Excellency the Governor has promised to repay ; and these men threaten to attack the troops under my orders. Wherefore, to prevent the effusion of civil bloodshed, I think it my duty to issue this declaration, in order that I may leave no moderate step untried to recover a few of our unhappy countrymen from these delusions, by which they have been drawn on to



lift, their arms against their injured country, gloriously struggling to enjoy the rights of mankind.

And, whereas, his Excellency the Governor has issued private directions, that all magistrates and militia officers be required to take the oath of allegiance, under penalty of dismissal from their several stations, I do hereby declare, that, in point of law, his Excellency has no authority to make such requisition from persons who have already sworn according to law, when they were invested in offices civil or military; and, that it is not only highly unbecoming in his Majesty's representative to threaten his Majesty's loyal subjects, in order to induce them to do things not warranted in law, but such a conduct is of a most destructive tendency to the good of the King's real service, inasmuch as it tends to convince the people that his Majesty's servants in high trust, in America, as well as in Britain, equally conspire to act without authority in law, to the destruction of their just rights and privileges.

And, whereas, the leaders of our unhappy and deceived country, now assembled in arms against the liberties of America, have drawn them into this dangerous and disgraceful situation, by filling their minds with fears and apprehensions that their lives and properties are in danger, from the designs of the Congress, the Honorable the Council of Safety, the General Committee, and the troops under my orders, because they, our said countrymen, have not acceded to our Association: Wherefore, to remove all such ill-founded apprehensions, in the name of, and by the authority vested in me by the Honorable the Council of Safety, I solemnly declare, that all such apprehensions are actually groundless; and I also declare, in the name of the Council of Safety, that our said unhappy and deceived countrymen may, in perfect safety of their lives, persons, and property, repair to, and continue to dwell and abide at home, so long as they shall choose to behave peaceably. We shudder even at the idea of distressing them in any shape. We abhor the idea of compelling any person to associate with us. We only with sorrow declare, that any person who will not associate with, and aid and comfort us, in this arduous struggle for our liberties, cannot, by us, be considered as friendly to us; and, therefore, that we cannot aid and comfort such person, by holding that intercourse and communication with such person as is usually held between friends.

And thus, having, in the name of this Colony, declared the terms upon which peace and safety may be had and enjoyed by our unfortunate countrymen as aforesaid, it is my duty also to declare, that I shall march and attack, as public enemies, all and every person in arms, or

to be in arms, in this part of the Colony, in opposition to the measures of Congress; and, having, with the utmost patience and industry, gently endeavored to persuade men to a peaceable conduct, I now shall, with equal patience and industry, prosecute military measures with the utmost rigor; and I make no doubt but that, with the assistance of the Almighty—witness of our endeavors to avert the calamities of war—we shall speedily obtain—the wish of every virtuous American—peace, safety, and security to our rights.

Given under my hand, this 13th day of September, 1775, at camp, near Ninety-Six.

WILLIAM HENRY DRAYTON.

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MR. CHARLES DRAYTON TO W. H. DRAYTON.

[Original MS.]

CHARLES TOWN, Sept. 16th, 1775.

MY DEAR BROTHER:—I received your favor of the 11th September, and I wish it were as much in my power to gratify your wishes, as I am now able to comply with your request concerning you, which I shall do with great pleasure.

I have not time to congratulate you on your military behavior, and but little more than to wish that you will endeavor, to your utmost, to encompass your ends without bloodshed. I hope your popularity there, with a little popularity and policy with regard to your adversaries, may be sufficient.

I can no more at present than make you acquainted with two or three pieces of news in general. Kirkland is on board the man-of-war. One Chayney, who came down with him as his friend and guard, was before the committee. Afterward Capt. McDonald of the Provincials, disguised like a cracker, took Chayney with him about 9 at night to L. W., and by the result of the conversation, his trepanned lordship advises the back country people not to take up arms, unless they think they are full strong enough—if they think they are, they may—and that they will be soon relieved by troops expected to be here soon. Innes has been ordered out of town some days ago, and is on board the man-of-war. The Governor detained the mail above 24 hours in his possession. He has returned to the man-of-war; at the same time had the cannon at Fort Johnson dismounted. The province, above 200 are

in possession of it. Some letters by the packet say that 10 transports and 2 frigates are getting ready for this place, or will sail in a few days after the packet, for the news has hardly had time to spread yet. Innes was sent to the Fort last night, to know what troops had possession of the Fort, and by whose orders, and whose command. He was truly informed they were busy in remounting the cannon yesterday; and as the Cherokee, an armed sloop that brought in d'Bram, and a barque, were reconnoitering yesterday, a brush was expected last night, and, accordingly a reinforcement was sent there. Three schooners are to be armed, and Williamson's vessel is the first of our naval institution—she wears the long pennant, the other two are not yet determined (*tardissime*). Butler's, when it returns from Philadelphia will, it is intended, be another. People in Great Britain are uneasy at Bunker's Hill; but in the spring tumults and insurrections are dreaded.

I am, my dear brother,

Yours most affectionately,

CHARLES DRAYTON.

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#### TREATY OF NINETY-SIX.

[Original MS.]

#### SOUTH CAROLINA—NINETY-SIX DISTRICT.

Whereas, misunderstandings but too often precipitate men and friends into quarrels and bloodshed, which, but for such misunderstandings, never could have happened: And whereas the present unhappy disputes between Great Britain and North America, have unhappily occasioned uneasiness between a part of the people living between Broad and Saluda rivers and other adjacent parts, and the other inhabitants of the Colony aforesaid, from misunderstandings as aforesaid, inasmuch as the said part of the people as aforesaid, having tender consciences, declined to accede to the Association signed in Congress on the 4th of June last; and the said other inhabitants thereby thinking that the said declining to accede, proceeded from principles and designs, in them the said part of the people, inimical to the proceedings and designs of the said other inhabitants; and that they, the said part of the people, did mean to aid, assist and join the British troops if any should arrive in the Colony aforesaid, during the present unhappy disputes as aforesaid: And whereas these are all misunderstandings, and

that purpose, we send you thirty-four, signed by us, and blanks left for you to fill up; you will keep a copy of the names of officers, &c., as formerly directed.

We are called together by an alarming account, which threatens the destruction of this town, by three frigates and a bomb-ketch. We hope it may prove a groundless report; but it becomes us to act constantly as if it was real. We shall be glad to hear that you have established peace and quietness on our backs, and of your outset for Charles Town as soon after as you please.

By order of the Council.

HENRY LAURENS, *President*.

The Hon. W. H. DRAYTON.

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MR. PRINCE TO MR. DRAYTON.

[Original MS.]

EDGEHILL, TYGER RIVER, September 25th, 1775.

*To the Honorable W. H. Drayton, Esq.*

MAY IT PLEASE YOUR HONOR:—Some of Fletchall's party pretend to talk high of the concessions that the gentlemen at Ninety-Six were forced to make in their favor, but from the silence of their chiefs we pay little credit to them. However, it would be very pleasing to all the friends of liberty to have them transmitted into these parts as soon as it may be convenient.

For my part, I am satisfied that whatever concessions were made in their favor, were made purely from the dictates of humanity, and not from any fear of what the impotent wretches could do. Their intentions, I believe, were hostile enough, but the sight of your troops, and the cannon soon caused them to discover their own folly, by attempting to force, what in reality at last they begged. You have nothing to trust to now, but their importance; whatever they may have plighted, it is but punie faith. For myself, I was always willing they might be allowed salt and some necessaries, but earnestly entreat they may not get an ounce of ammunition, considering the ignorance and malignancy of their natures.

Would it not be the best way to remove Fletchall from his authority altogether, enlarge Col. Thomas' district, place over the other field officers that you could confide in, and by removing the obnoxious Cap-

tains, and placing true friends to liberty at the head of the companies, the men would immediately be brought over. I do not presume to dictate to your honor, or the gentlemen below, neither do I, as one of the committee for this district; these are my sentiments as an obscure private individual.

Had your Honor's letter to Col. Thomas arrived about four or five days sooner, Col. Fletchall would have been attended with a rear guard of about four hundred men, in order to have secured his retreat, in case he had met with a check; but time would not permit it. I hope yourself and the rest of the gentlemen below will do everything in your power for the liberties of your country. I think you may depend on a good many friends here; I can declare for myself and family that the strongest efforts have, and shall still be made, for the good of the common cause. These protestations, may it please your Honor, are not made with a view, or in expectation of any future post of honor, or pecuniary reward, which I have always declined since I have (by my misfortunes) been thrown into the remote parts of this Province, but purely from an innate principle of love to liberty, and that of a true Revolution whig. I should be glad to receive a line from your Honor, if the multiplicity of affairs would permit at any time; it would be an honor I should be proud of. I could readily get them at any time from Col. Wofford's.

If any hints here thrown out should be of use to the public, no one would receive a greater pleasure than the public's well wisher, and your Honor's very humble servant,

JOHN PRINCE.

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MR. DRAYTON TO MR. CAMERON.

[Copy from the Original.]

CONGAREES, S. C., September 26th, 1775.

SIR:—In consequence of the powers vested in me by the Council of Safety for this Province, I take the liberty of addressing this letter to you, and I do most earnestly request that you will consider it with attention.

In this time of public calamity, when the King's troops have unnaturally commenced and continue to prosecute a cruel war upon the people of America; in this time, when we have just cause shortly to expect the arrival of the King's troops in this Colony, in order to spread



among us slaughter and devastation, we feel ourselves strongly actuated by the prevailing principle in human nature, and we cannot but endeavor to remove at a distance from us, every object that has any ability, or is in any degree adapted, either to counteract, or to impede our means of defence, or to assist the enemy.

It gives me great concern, sir, to be under a necessity of telling you, that from your connection with the King's government, and our knowledge of your incapability of betraying your trust, we look upon you as an object dangerous to our welfare; and, therefore, as an object, that we ought to endeavor to remove to a distance from your present residence. We do most ardently wish to procure your removal by the mildest measures, and politest mode of application. I do, therefore, sir, in the name of the Colony request, that you will forthwith remove to such a distance, from the Cherokee Nation, as will satisfy us that you cannot readily exercise the functions of your office among them, and thereby remove our apprehensions, that the functions of your office may be exercised to our prejudice. We shall be satisfied to find, that you fix your residence at St. Augustine or at Pensacola.

Your principal the superintendant, and his Excellency the Governor, have removed in this time of confusion, the one from his usual place of residence, the other from among the people over whom the King sent him to preside—neither of them at the request of the Colony—but it appears they did not think it proper to expose themselves to the just resentments of the public. You have the conduct of these officers of the Crown as an example for your conduct; a conduct which will be much more justifiable in you, who are now publicly requested, by the Colony, to depart to a distance from the Cherokee Nation. A request, too, sir, that, you must know, carries all the force of a command, and that you cannot disobey, with safety to your person, and the people in your charge, if you should think proper to cause the Indians to attempt to enable you to remain in the Nation.

I am, sir,

Your most humble servant,

WM. HY. DRAYTON.

TO ALEXANDER CAMERON, ESQ.,  
*Deputy Superintendent in the Cherokee Nation.*

## MR. LAURENS TO MR. DRAYTON.

[Original MS.]

CHARLES TOWN, September 27th, 1775.

*To the Honorable W. H. Drayton, Esq. :*

SIR :—On Sunday last we received your letter of the 17th, together with the sundry papers which you refer to, and if Capt. Wilson is detained one day more, we will send by him the declaration and treaty to be printed in London, but shall defer a publication here, until we have an opportunity of considering the propriety of such a measure in your presence, which, we suppose, will happen in the course of a few days.

The intelligence from the Cherokees received in Mr. Wilkinson's letter is very alarming. We hope you have sent away the Good Warrior and his fellow-travellers in good humor, and that they will influence their countrymen to remain quiet and give us time to discover the perpetrators of the murder intimated by Mr. Wilkinson; in the mean time we trust that you have taken proper measures for that purpose.

Le Dispenser packet arrived here from Falmouth with advices from London to the 3rd August. Accounts in brief are, that the Administration were sending more troops and ships of war to America, determined to persevere in the execution of their plan. General Gage, in his account of the Bunker Hill affair on the 17th June transmitted to Lord Dartmouth, owns about 1,056 of the King's troops killed and wounded, and his number of officers rather exceeds our early advices. We have heard nothing since the first of August from our delegates.

By order of the Council of Safety.

HENRY LAURENS, *President.*

## EXTRACT FROM AN INTERCEPTED LETTER OF FREDERICK GEORGE MULCASTER TO GOVERNOR GRANT.

[From a Letter published by order of Congress.]

DATED ST. AUGUSTINE, September 29th, 1775.

There arrived here about four days ago, a Col. Kirkland,\* one of the back country settlers, in South Carolina; he refused to sign the Asso-

\*Col. Kirkland, signed the Association, accepted a commission in the Colony regiment of rangers, deserted, and afterwards endeavored to be chosen a delegate for Ninety-Six District, which he never could accomplish. He never made above a thousand pounds weight of indigo—and never had above twenty-five negroes.

ciation, and was the occasion of many others doing so. W. H. Drayton did his utmost endeavor to gain him over to their party, but in vain; they then offered a reward of two thousand pounds sterling to any one that would apprehend him. He escaped at last from a party who was in pursuit of him, by getting between them and Charles Town, and took that road, which they not in the least suspecting, he got safe, after a journey of two hundred miles, to Lord William Campbell's house, and from thence the next morning, on board the man-of-war. He says the back settlers are two to one in number, more than the rebel party; they got some powder, but when it came to be divided, they had only two rounds a man. He sails from hence in the transports to Virginia, in order to proceed to General Gage. He has an honest, open countenance, good natural understanding, and may be a man of infinite use, when troops are sent to Charleston, (which surely will not be long,) even now a regiment to be sent up Savannah river, there back settlers would meet them, and the two provinces of Georgia and Carolina would be thrown into terror. The Committee here prevented salt and other articles, which they cannot be without, from being sent to them; these circumstances inflame the back settlers, who only want ammunition to do themselves justice. Kirkland has, undoubtedly, great weight with those people; since he came away his plantation has been ransacked, five thousand weight of indigo destroyed, and his sixty negroes he knows not where. He has with him a son, about twelve or thirteen years old, who escaped by being dressed like a girl, for they used their utmost endeavors to get him, in hopes the seizing his child would bring him to terms; you will, undoubtedly, see him, and he will give you a true state of the Southern Provinces. The above particulars you may depend upon, and I write them that you may not be without intelligence in regard to a part of the world you have already served in with so much success. The Catawba Indians are with the rebel party, but they consist of a few, and as these back settlers are seated around their Nation, they intend to seize their women and children the moment they hear they attempt violence. John Stuart got some powder from Tonym, and sent it by an interpreter and an Indian to the Creek Nation, but they were met by some Georgians on the north side of Mazo, who had got information from one Cane of this Province, who seized the ammunition, and carried it to Savannah; however, the interpreter and the Indian proceeded to the Nation. Stuart's Deputy wrote him word some time since, if they did not get powder he could not answer for the Indians, as he believed they would certainly go down to Savannah to demand it—so it is not unlikely they may have some of their red

brethren upon their backs. Some of the gentlemen of Georgia still hold out, and have not signed the Association; but Governor Wright has no authority, nor has not had any for some time. Lord Dartmouth has directed the Land Office to be opened, for this Province, in order to grant land to any persons who choose to take refuge here, and to be free of quit rents for ten years.

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MR. FERGUSON TO MR. GADSDEN.

[Original MS.]

CHARLESTOWN, S. C., Oct. 3rd, 1775.

DEAR SIR:—I wrote you a few days ago by Mr. Stenson. You'll receive by this Express a public letter giving you an account of our affairs and requesting you to come home, if you can be spared from the Congress. Our little army really wants you; Col. Moultrie is a very good man, but very indolent and easy, so that things go on very slow. We have had the Fort in possession about twenty days, and he was desired to put it in good order as soon as possible, and spare no expense, but there is very little done. My Betsy is still but poorly; the Doctors think she won't get well till there is a frost or two, that she can change the air into the country. She rides out every day and visits her friends but can't get quite rid of the bilious disorder. I never was for stopping the bar and fortifying the town till I found we could not get nine-tenths of the people to leave the town. We have had strange delays. In business and other affairs there's a party of men who strive to put back every measure, that we have nothing ready when the King's ships arrive, that they may have a pretense to lay down their arms and save their houses. I hope I may be mistaken. I have stated my suspicions to the General Committee, and there declared that if there were men base and mean enough to act so, and if any persons would join me, I would burn the town over their heads. Our Volunteer Companies are still in a strange way which has given the Tories some hopes. We ordered one out of the province yesterday, James Brisbane. He had signed the Association and then went about fomenting the uneasiness among the Volunteers. I wish you could be at home when the Congress meets. Col. Powell is very busy preparing to attack the Ships of War. If the Express don't go this afternoon, Betsy, Polly and Phil will write to you. All your people are well. I have lost Watch, for which I am very sorry,

I dont know when I shall get such another. Betsy joins me in love to you and Tom.

Dear sir, yours sincerely,

THOS. FERGUSON.

P. S.—We have but a small stock of powder, and want muskets very much. We have some from the French hands, but they are very bad and every gunsmith in town is doing public work. The answer you have a copy of from J. W. came first to us without his name. We suppose Capt. Innis gave him a copy of the letter, and when he had written it over, as Innis put no name, J. W. thought he ought not to do so.

T. F.

*To Col. Christopher Gadsden, Philadelphia.*

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FROM THE COMMITTEE APPOINTED TO OBSTRUCT THE PASSAGES  
OVER THE BAR OF CHARLESTON TO THE COUNCIL OF SAFETY.

[Original MS.]

CHARLESTON, Oct. 5, 1775.

*The Honorable the Council of Safety.*

GENTLEMEN :—The Commissioners honored with the charge of stopping or obstructing the passages over the Bar of Charlestown and to take and pursue all such measures as to them seem most effectual for carrying that measure into execution, and to apply to the Council of Safety for the proper means, conceive that by the vote of last night in General Committee, their service is no longer necessary, and therefore request a proper discharge, and an order for payment of the expenses incurred therein agreeable to the vouchers herewith.

We are, gentlemen,

Your most humble servts.,

G. G. POWELL.

EDWARD BLAKE.

JNO. IZARD.

DANIEL CANNON.

ROG. SMITH.

MICH. KALTEISEN.

JOHN EDWARDS.



CAPT. ROBERT CUNNINGHAM'S ANSWER TO HONORABLE WILLIAM  
HENRY DRAYTON.

[Original MS.]

PAGE'S CREEK, Oct. 5, 1775.

SIR :—This day I received your letter dated the twenty-first of last month desiring to know whether I considered myself as bound by the peace you made with Col. Fletchall and the other gentlemen from our Camp. I think sir, at this time the question is rather unfair; however, as it always was my determination not to deceive either party, I must confess I do not hold with that peace—at the same time as fond of peace as any man—but upon honorable terms. But according to my principles, that peace is false and disgraceful from beginning to ending. It appears to me, sir, you had all the bargain making to yourself, and if that was the case, I expected you would have acted with more honor than taken the advantage of men (as I believe) half scared out of their senses at the sight of liberty caps and sound of cannon, as seeing and hearing has generally more influence on some men than reason.

I am sir, your most humble servt.,

ROBT. CUNNINGHAM.

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MR. FERGUSON TO MR. GADSDEN.

[MSS. of C. Gadsden.]

CHARLESTOWN, S. C., October 5, 1775.

DEAR SIR :—I have just to acquaint you with the fact that after the Committee had recommended to the Council to have the Harbor stopped and batteries erected upon Sullivan's Island and upon Cummin's point, and also to drive the ships of war away or take her; and also after the Council had agreed to have it done, and matters were in great forwardness, one of the Council, Thos. Bee, did privately withdraw and get up a petition from the people of Charlestown to the Council, praying they would desist from fortifying the town and stopping the bar. Very unfair means were used to get the people to sign. A great many came and desired their names to be struck off. Notwithstanding, we last night determined to lay aside all fortifications of the place and harbor, I am sorry to say many of our people seem more inclined to lay down

their arms than defend their country. I shall make a motion to-day to move all the goods out of Charleston; we are full of making lines across the neck, but I fear this has only been agreed to to frustrate the other matter. There are forts making in several parts of the country. I wish you were at home, for you are much wanted.

Dear sir, yours sincerely,

THOS. FERGUSON.

*To Christopher Gadsden.*

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MR. MUSGROVE TO MR. DRAYTON.

[Original MS.]

ENOREE, Oct. 14, 1775.

HONORED SIR :—The inclosed was written you before Col. Fletchall's redezvous, which happened unexpectedly. The chief part of the company marched by my house in a promiscuous manner, and returned as confusedly back again, very much displeased with the conduct of their Colonel, and were upon several conclusions for some days after—as people chafed in their minds. Indeed, there were some schemes proposed, which if perpetrated would have been of a sanguine die. Sir, I was really sent to by particular persons to acquiesce in the thing; but sir, I absolutely rejected the matter as the most stupid foolish inconsistency that ever could be devised. However, the scales seems turned very much now, and you are much applauded for acting at Ninety-six, as it is visible to every person that will consider the thing, that is if it had come to action, how much you would have had it in your power to have used those people at pleasure, as your Battalion was well disciplined and the other so confused. I believe it appears now to the most of the people, a thing inadvertently done, to rise in the manner they did. I am apt to think they will not attempt such a thing again. I am sure they never will go with the Colonel again. But, however, there is a contentious spirit yet reigning in the hearts of some, for which cause it is wise to act with good economy in so great an exigency. There is one evil that has reigned and does still reign predominant; that is, the great inadvertancy of some of the backwoods committee, who should keep from letting out some foolish speeches to scare the people into their measures, which effects quite the other way—rather exasperates than frightens. There is one man in particular, of the Committee, who has

done more harm to the cause than he can ever make compensation for, and all by an intimidated spirit in himself, which has caused him to speak such foolish words, as—that he would give all he had in the world if he was out of it; and that, in the Provincial Congress they were one-half divided; and telling some they had better stand as they were, if they knew as much as he did, they would; which occasions people to think some dreadful thing is at the bottom. I have thought after Court to attend at the sitting of the backwood's committee, and to be free enough to give my opinion in the method of proceeding in the matter, if not disagreeable to the Committee of Safety; and if not thought proper, I will desist by a line from you, and not meddle at all. Sir, I have heard many say they did not regard the seaports being taken; they could not take the country. But upon a mature consideration it appears to be most expedient, by all means, to secure the seaports, and not permit any forces to be landed that are enemies to America; for the day they land it will instigate many opinions and cause divisions. The nature of humanity is such that self-preservation very much prevails, and probably the voice will be, the town is taken and the Province is gone, which will make weak hearts and feeble hands; and it will be said if the town was taken by force, the country is no refuge and must surrender unless they could maintain the field in battle and force the trenches of circumvallation and retake the town; but while the town can be defended is some fold more strong than they will be if the town is lost. I may be deceived but I think I could make palpably plain that what I say is consistent. However, all sublunary things by ways and means of artifice may be accomplished, so that hearts may not fail till they know the determination of Providence, &c.

Good discipline is very necessary—not the superfluity to be taught—that is only loosing time; perhaps three words of command is best. In this case the Battalions, to be well taught in marching, and to keep their ranks without confusion; the platoons to be acquainted well to know how to march out and return, to keep up a constant firing and quick charging, all which may be done at three words of command, and they can't forget that.

Sir, I am and remain your well wisher

and humble servt. at command,

EDW'D. MUSGROVE.

P. S.—Sir, as you may understand I was applied to by the people after the Colonel's defeat to undertake to acquaint you, I was also applied to and proposed to be set up as a Committee Representative in the backwoods and should have gone with a free vote by the Association

people themselves, and am sure I should have had one hundred or two hundred votes from the people who never have given their voice in favor of the matter yet, but I refused; so you see I have interfered on neither side, only so far as you might have expected of me, which I would not have come short of by any means. If I was to undertake, I would be sorry to fail in the matter; therefore it is wisdom to balance every thing in the right scale—wisdom. Solomon tells of a poor old man who through his wisdom delivered the city and afterwards was no more thought of; so wisdom also failed on his side. It's a deep thing, and exceeding high too, so leave it as a paradox. I must tell you that there are particular reasons why people have been so divided in the Fork, and I knew from the first that it would be as it has turned out, and said so to the knowledge of several; and I think I know how it will be, and tell you it will be precarious. There is a wheel within a wheel; yet I wish you were to be at Ninety-six Court; I would communicate my mind to you from the bottom of my heart. I can't write it legibly; and you may depend I cannot use deceit, and scorn to be frightened into anything; but you know there is a great deal of malice in the Province between them—and the town also; and so there is a great deal of subtilty used in order to proceed violently when opportunity or a critical time happens. If such things were reconsidered or had been judiciously considered before, all things in this Province would have gone easily on in one channel; two or three men sometimes may be worth a thousand, and be of no great ability either. However, time is not gone yet.

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#### REPORT OF THE COMMITTEE FOR FORMING A PLAN OF DEFENCE FOR THE COLONY.

[Original MS.—Autograph W. H. Drayton.]

The Committee for forming a plan of defence for the Colony, report: That upon the first appearance of the enemy, or certain intelligence of a designed attack upon Charles Town, an alarm should be fired as a signal that the draughts of militia, who ought to have previous notice for this purpose, should, with all expedition, repair to head-quarters at Dorchester.

As, in all probability, if the enemy invade this Colony, they will attempt to land in Charles Town, so a redoubt ought to be erected at Cummins' Point, consisting of six 26-pounders; a redoubt of four

26-pounders should also be erected on the south part of Sullivan's Island. These will not be more than two and a half miles distant; they will assist each other, and ships carrying only 6 and 9-pounders, cannot long sustain so superior a weight of metal. The ships, therefore, must either be shattered here, or they must pass on, after, in all probability, having received considerable damage. If the ships advance by Fort Johnson, they must receive the fire of the lower battery containing fifteen 18-pounders, and also of a redoubt of twelve pieces of cannon upon an eminence to the westward. Or if the ships advance by Hog Island Creek they must receive the fire from a redoubt of ten 26-pounders, at Haddrel's Point; and, in all probability, Fort Johnson and the battery will much support this fire; and if the ships pass all these batteries, they ought to be received by the batteries at the south end of the town, or by batteries at the north end, opposite the mouth of Hog Island Creek.

If the enemy run through all this fire, it is evident, that, in all probability, they will receive considerable damage, with but little loss to ourselves; and if they stop to batter our posts, in all probability, their loss must be very considerable; and as our redoubts will be made of mud and sand, we cannot receive any great loss. This defence may consume about four thousand weight of gunpowder. Eight hundred regulars, and two hundred artillery and fusiliers will fully man these works, near which boats should be properly stationed to effect their retreat to headquarters.

Admitting that the enemy having passed through this severe fire, land in Charles Town. Upon their landing, they cannot make any offensive motions; for, some time will be required to land their stores and to fortify their front to the land—more time will be necessary to refresh their sick after their passage, and to recover their wounded after the action, and to refit their ships. This interval will furnish abundant time for the troops to retreat from their batteries, and for them and the militia to repair to Dorchester, from thence to prepare to attack an enemy reduced in their numbers, and discouraged by their reception. At this time our force ought to stand thus: All the regulars and militia ought to be posted at Dorchester, from whence they should maintain two posts; the one over Goose Creek bridge—the other at Stono; and these will cut off the communication between the town and back country. The principal magazines, the records, and the press, should be established at Dorchester, as well, because that it will be a place of great security, as it must be entrenched and mounted with cannon, as that the post may be an object to entice the enemy to advance into the country.



All the negroes between the sea, and a line drawn from North Edisto Inlet to Tugaloo, thence along the river to Stono, thence to Dorchester, thence to Goose Creek bridge, thence to the mouth of Back river, thence to Cain Hoy, and thence to the sea, should be removed upon the approach of the enemy; and the militia within those lines, and upon the outward borders of them, should form a constant and continued chain of patrols along those lines, by which all communication will be cut off between the enemy in the town, and the negroes in the country. Orders should be immediately issued, so that this plan should be executed when it may be necessary.

In this situation of affairs, there will be a considerable and intricate tract of country for the scene of military operations. The enemy posted in Charles Town, will be watched by the army at Dorchester; who ought to throw out every allurements to induce them to advance into the country, not only that we might avail ourselves of the natural strength of the country and of ambuscades, but that we might have a chance to get between the enemy and the sea, and thus to attempt to finish the war in this country by destroying the enemy at a blow.

But if the enemy make good their landing in Charles Town, it is but too probable they will remain there entirely upon the defensive, in order that the war may be drawn into length, to ruin us by our expenses, and depreciation of our currency; to tire us out by our new manner of living and great fatigues, and, above all, to allow time for discontents among ourselves—thus to break our combination even without their attacking us. Therefore, to avoid these consequences, we must act offensively, and attack Charles Town, by surprise, storm, or regular siege. And we do not see that works and entrenchments can, with propriety, be erected on the neck, but from a knowledge that the enemy mean to remain in Charles Town, and that in such case, we prefer the attack by regular siege, rather than by surprise or storm. On which plan, we do not see of what advantage strong entrenchment upwards of four miles from Charles Town can possibly be. And so far does it appear to us to be our interest, not to do any thing tending to confine the enemy to Charles Town, that it seems clear, we ought, by every possible means, to entice them to advance into the country.

Besides, if the enemy, contrary to what seems to be their interest, should resolve to penetrate into the country, we ought not only to remember that they are much better skilled in attacking, than we are in defending entrenchments, but that they may penetrate into the country, even without being under any necessity of passing those entrenchments. For in one night, they may pass from Charles Town, to

Old Town, on the one hand or to Cain Hoy, on the other hand and from either of those places render our entrenchments on the neck utterly useless to us, since we must march with all our force against them, and the situation of the war will then be exactly the same as if we had no entrenchment on the neck, and had marched from Dorchester, except these differences—the loss of the money expended in making the entrenchment, which the enemy may effectually render useless, even by any one out of a variety of manœuvres equally adapted to such an end. The enemy will, in the absence of our forces, occupy these lines and turn them against us; or, if we leave a force to maintain them, we shall not be able to march so large and good an army as we otherwise should.

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A RESOLUTION PASSED BY THE COUNCIL OF SAFETY.

[Original MS.]

IN THE COUNCIL OF SAFETY,  
October 14th, 1775.

*Resolved*, That the Hon. William Henry Drayton, Thomas Heyward, Jun., Esq., and Col. Motte, be, and they are hereby appointed Commissioners, for erecting a redoubt to mount twelve pieces of heavy cannon, on the most convenient spot to the westward of Fort Johnson, on James' Island.

A true copy from the minutes.

PETER TIMOTHY, *Secretary*.

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ANDREW WILLIAMSON TO THE COUNCIL OF SAFETY.

[Original MS.]

HARLIN'S FERRY, SAVANNAH RIVER, Oct. 16th, 1775.

*To the Honorable the Council of Safety:*

HONORABLE SIRS:—Herewith I have the honor to transmit to you the report of the militia, and volunteers, under my command, at Harlin's Ferry, Savannah River, and the Camp near Ninety-Six, by order of the Honorable William Henry Drayton, also a general return of rations supplied to the troops, with an account of monies disbursed,

and other necessities found for their use, by order of the said Mr. William Henry Drayton.

Your Honors will be pleased to observe, that on complaint of the troops at Harlin's Ferry of want of arms and ammunition, I took the liberty to furnish them with a quantity of powder, lead, and flints, as mentioned in my account, for which I have made no charge; not in the least doubting, your Honors would order the same quantity to be replaced me from the magazine.

From the best intelligence I can learn since Mr. Drayton went from hence, I have the pleasure to acquaint your Honors, that every thing seems in perfect tranquility, both here and on the other side of the river. Volunteers are there and here forming. Application has been made to me for commissions, and great complaints, of their want of arms and ammunition, which I have assured the people, I would do all in my power to procure, and am in hopes your Honors will order a sufficient supply to Fort Charlotte where they can be safe; and I would apprehend a guard may be necessary to conduct them up from Orangeburg, which I shall supply on receiving orders.

I am sorry to be under the necessity of returning the commission of Mr. Allen Cameron, in whose favor I solicited it. I also take the liberty of troubling your Honors with his letters, which I received a few days ago. In his relation of a conversation that passed, I shall only remark, that after saying "*his baggage was light to carry,*" that he *must have bread.*

I beg leave to subscribe myself with the greatest respect,

Honorable sirs,

Your Honors most obedient,

Most humble servant,

A. WM.SON.

MR. CAMERON TO MR. DRAYTON.

[Original MS.]

KEOWEE, Oct. 16, 1775.

*To the Honorable William Henry Drayton :*

SIR :—By Mr. Wilkinson I received your letter of the 26th ultimo, which I have maturely considered. The contest and confusion in America at present, gives me real concern, but who the aggressors are

I am not a competent Judge to determine, nor will I pretend to blame men who have already advanced so far as the Americans have done, in support of a cause which their conscience dictates to them is just, to avail themselves of every means in their power, either for their defence, or in order to terminate the present unhappy and unnatural conflict with their parent State.

Be pleased, sir, to accept of my sincerest acknowledgments for the concern you express for requesting of me to remove to some distance from my present residence among the Cherokees. This concern, sir, makes the demand still more heavy upon me, as I cannot find myself at liberty to comply with it; at the same time I think, that the chiefs of your province can be under no apprehension of danger from me or my connection with the Indians, if we are at liberty to enjoy peace and tranquility where we are.

The great men, (his Excellency Lord William Campbell and the Honorable John Stuart, Esq.,) whom you are pleased to mention to me, sir, for the rule of my conduct, were very differently situated. They were stationed among the most strenuous part of the people, in the present quarrel, where they could not officiate any part of their duty without censure, and run, perhaps, the risk of their lives to no end.

I am particularly sorry, sir, that my being in this nation gives you any uneasiness. But while I have the honor to serve in my present office, I must implicitly observe the directions and orders of my superiors, and cannot recede from my part without first obtaining their leave.

From the day I commenced as Mr. Stuart's Deputy, I received no instructions injurious to the frontier inhabitants, but on the contrary and agreeably to my duty I have assiduously endeavored to cultivate peace and friendship between the Indians and them, and at this very juncture when I am threatened with condign punishment from all quarters of your Province, I am endeavoring a mediation.

In your talk to the Indians, by Mr. Pearis, of 21st August, you mentioned that you was told that I spoke to the Indians with two tongues. I think, sir, you might as well have omitted such uncourtly expressions, as it could answer no purpose; for I defy you or any man breathing to make good these assertions, and if it was with a view to prejudice the Indians against me, all the rhetoric Mr. Pearis is master of, could not effect it; although he is well known to be a person who will not stick to truth, or any thing, to accomplish his designs.

I am with all due respect, sir, your most obedient

and most humble servant,

ALEX'R. CAMERON.

## COL. RICHARDSON TO THE COUNCIL OF SAFETY.

[Original MS.]

CAMP NEAR McLAURIN'S, November 2d, 1775.

*To the Honorable the Council of Safety :*

SIRS :—On a very wet day, in the midst of bustle, and just starting to march, I take the liberty to acquaint you, that we are near McLaurin's, in the Fork, and, yet, unmolested by the opposites. Our people have taken the persons herein named, which, from their knowledge of the part they have vigorously acted, will not permit me, even if I was inclined to let go, viz: Capts. John Mayfield, Benj. Wofford, Wm. Hunt, Daniel Stagner, Jacob Stack—the cause of their being sent will appear—but, at any rate, they are not to be set at liberty till matters are settled, as they are looked upon as active and pernicious men. I am now joined by Col. Thomas with about two hundred, Col. Neel as many, Col. Lyles about one hundred, together with Col. Thomson's regiments of rangers and militia, with my own, may make in the whole about 2,500; and I received, last night, accounts of Col. Polk being near with six hundred. An army, if it was a favorable time of the year, might go or do any thing required, which I hope we shall. I hear of their moving about, but yet have made no opposition. In the state I am now in, I can say no more than that when I may attend, and have it in my power, will transmit such things as may occur.

I am, sir,

Your most obedient humble servant,

RICH'D. RICHARDSON.

## MAJOR WILLIAMSON TO MR. EDWARD WILKINSON.

[From Copy Original MS.]

CAMP NEAR LONG CANE, November 6th, 1775.

DEAR SIR :—On Saturday morning last, about 4 o'clock, I received a letter from Major Mayson, which, to my great surprise and astonishment, informed me, that the day before, about 5 o'clock, Jacob Bowman and Patrick Cunningham, with about one hundred and fifty armed men, from the north side of Saluda river, stopped a wagon loaded with ammunition, about seventeen miles below Ninety-Six, most part whereof



I fancy you are not insensible, was a present from this Province to the Cherokee Indians, all of which they took and carried off, making a guard of twenty rangers and the officers prisoners; and as John Vann was here yesterday on his way to the Nation, and on his arrival will be apt to inform the Indians of this robbery, and lest some young inconsiderate man of the Cherokees should think of revenging this on the people of that side of the Saluda, I have embodied part of this regiment, and this moment intend to march to Ninety-Six to join those that are there; and hope, in a few days, to retake that ammunition, and bring those people to justice who committed this act. But should the powder and lead be so distributed among the people that it cannot be got back, I make no doubt, but that the Council of Safety will order a like quantity for the Cherokees immediately. But I expect, when they see their error and my force (which will soon be very considerable, as all the first people of this district appear to turn out to a man), they will give up the ammunition, and the people who committed the robbery. I have thought necessary to acquaint you of this by express, that you may be able to explain this matter properly to the warriors and head men, and I am confident they will be able to prevent this affair being productive of any breach of comity between them and this Province, as I think the people who committed this act, were led on to it, by two rash inconsiderate men. And, indeed, it appears to me that by getting this ammunition into their hands, they thought to rule this Province, but I flatter myself they will soon be fully convinced to the contrary. And, as you wrote me in your last, that you intended to be at Salisbury on the 10th day of this month, I have taken the liberty to direct this, in your absence, to Mr. Cameron, with my compliments, and hope he will do me the favor to explain it to the principal men.

And I am, dear sir,

Your most obedient,

Very humble servant,

A. WM.SON.

#### DECLARATION BY THE AUTHORITY OF CONGRESS.

[Printed Circular.]

#### SOUTH CAROLINA—CHARLESTON DISTRICT.

CHARLES TOWN, November 19, 1775.

It has been the policy of America in general, and of this Colony in particular, to endeavor to cultivate a good correspondence with the

neighboring Indians ; and especially so, since the commencement of the present unhappy disputes with the British administration. This policy originated from a view of preserving, at the cheapest rate, our borders from savage inroads, pushed on by French and Spanish management, or Indian avidity or ferocity. Of late this policy has been persevered in ; and our endeavors have been redoubled, in order to oppose and to frustrate the design of the British administration, by the hands of the Indians, to deluge our frontiers with the blood of our fellow-citizens. Experience has taught us, that occasional presents to the Indians has been the great means of acquiring their friendship. In this necessary service, government every year has expended large sums of money ; and the Continental Congress having divided the management of the Indian affairs into three departments, have allotted for the expenses of this southern department the sum of ten thousand dollars, in order to preserve the friendship of the Indians on the back of our settlements. The late Council of Safety spared no pains to confirm them in their pacific inclinations ; but, from the repeated, constant and uniform accounts they received from the Council of Safety in Georgia, the Indian traders in that, and in this Colony, and among the Creeks and Cherokees, and the persons there employed by the two Colonies to superintend the Indian affairs, it clearly and unfortunately appeared, that a general Indian war was inevitable, unless the Indians were furnished with some small supplies of ammunition, to enable them to procure deer skins for their support and maintenance.

Rather than draw on an Indian war, by an ill-timed frugality in withholding ammunition, our friends in Georgia resolved to supply the Creeks with such a quantity as might, in some degree, satisfy their urgent wants, but could not incite, by enabling, them to commit hostilities. They sent on that service two thousand weight of powder and a proportional weight of lead. They also strongly pressed the late Council of Safety to supply the Cherokees. About the end of September, the Honorable William Henry Drayton, a member of the late Council of Safety, met several of the Cherokee head men at the Congarees. Nothing could in the least degree satisfy them but a promise of some ammunition. At length the late Council, in October last, issued a supply of ammunition, consisting of only one thousand weight of powder, and two thousand pounds weight of lead, for the use of the Cherokees, as the only probable means of preserving the frontiers from the inroads of the Indians, and the Council the more readily agreed to this measure, because, as they almost daily expected that the British arms would attack the Colony in front on the sea coast, they thought

they would be inexcusable, if they did not, as much as in them lay, remove every cause to apprehend an attack at the same time from the Indians upon the back settlements.

But this measure, entered into by the Council, upon principles of the soundest policy of Christianity, breathing equal benevolence to the associators and non-associators in this Colony, and arising only from necessity, unfortunately has been by some non-associators made an instrument for the most diabolical purposes.

These wicked men, to the astonishment of common sense, have made many of their deluded followers believe, that this ammunition was sent to the Indians, with orders for them to fall upon the frontiers and to massacre the non-associators; and, taking advantage from the scarcity of ammunition among individuals, arising from the necessity of filling the public magazines, they have invidiously represented, that ammunition ought not to be sent to the Indians, while the inhabitants of the Colony, individually, are in a great degree destitute of that article; industriously endeavoring to inculcate this doctrine even in the minds of the associators.

Wherefore, in compassion to those who are deluded by such representations, the Congress have taken these things into their consideration, which otherwise would have been below their notice and they desire their deceived fellow-colonists to reflect, that the story of the ammunition being sent to the Indians, with orders for them to massacre the non-associators, is absurd in its very nature:

1st. Because the whole tenor of the conduct of the Council of Safety demonstrates, that they were incapable of such inhumanity as a body; the character of each individual shields him against a charge of so cruel a nature; and Mr. Drayton's conduct at Ninety-Six, at the head of the army, fully showed, that the blood of the non-associators was not the object of his policy.

2d. Because also, if men will but call reason to their aid, they must plainly see, that if the Indians were let loose upon the frontiers, they must indiscriminately massacre associators and non-associators, since there is no mark to distinguish either to the Indians; and, therefore, no associator, of but common sense, could think of promoting the interest of his party by executing a measure which must equally ruin friend and foe.

However, in order to clear up all difficulties on this head, and for the ease of the minds of our deceived friends, the Congress in a body, and also, individually, declare, in the most solemn manner, before Almighty God, that they do not believe any order was ever issued, or

any idea was ever entertained, by the late Council of Safety, or any member of it, or by any person under authority of Congress, to cause the Indians to commence hostilities upon the frontiers, or any part thereof. On the contrary, *they* do believe, that they, and each of them, have used every endeavor to inculcate in the Indians sentiments friendly to the inhabitants, without any distinction.

It is greatly to be regretted that our fellow-colonists, individually, are not so well supplied with ammunition as would be adequate to their private convenience. But is not the situation of public affairs, which renders it absolutely necessary to guide the channels through which ammunition is brought to the Colony into the public magazines, before any part of them can be permitted to reach the public, individually, also to be lamented? Ought not—nay, this unhappy situation of public affairs *does* justify the filling the public magazines, thereby securing the welfare, and forming the defence of the State, at the risk of the convenience or safety of individuals. And if, out of the public stock, a quantity of ammunition is given to the Indians, which may be sufficient to keep them quiet, by, in some degree, supplying their urgent occasions, yet, not sufficient to enable them to make war, ought our people—nay, they cannot have any reasonable ground, to arraign that policy by which they are and may be preserved from savage hostility; or to complain, that because the whole Colony, the public and individuals, cannot be supplied with ammunition, therefore a small quantity ought not to be sent to the Indians. Men should reflect, that this small quantity is given, in order to render it unnecessary to supply the public, individually, on the score of a defence against Indians; a service that would consume very large quantities of an article that experience teaches will be diminished when individually distributed. Men should also reflect, that while the public magazines are well stored, supplies can be instantly, plentifully, and regularly poured upon those parts where the public service may require them. And the public are hereby informed, that although, when the present disturbances began, there were not in the Colony more than five hundred pounds weight of public powder, yet, by the vigilance of the late Council of Safety, the public stock has been so much increased, as to induce the present Congress, to make an allotment of five thousand pounds weight for the defence of the interior parts of the Colony, besides several considerable quantities already disposed of on that service.

Men ought likewise to take into their consideration, that as the Council of Safety, by various, and a multitude of means, procure constant, speedy, and authentic information of the state of all parts of the

Colony, and of the Indians, so, by being much better informed upon those points than the public individually, therefore, the Council are the most competent judges where ammunition ought to be sent; whether a small quantity to the Indians, with a view and probability of keeping them quiet, or a large quantity to the inhabitants necessarily to arm them against the Indians.

Common sense and common honesty dictate, that if there is a probability, that by a present of a small quantity of ammunition the Indians can be kept in peace, that present ought not to be withheld at the hazard of inducing an Indian war, thereby of expending not only a much larger quantity of ammunition, but of involving the Colony in an immense expense, breaking up whole settlements, and unnecessarily sacrificing a number of lives.

WILLIAM HENRY DRAYTON, *President*.

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AGREEMENT FOR A CESSATION OF ARMS BETWEEN MAJ. JOSEPH ROBINSON, COMMANDER OF A BODY OF HIS MAJESTY'S MILITIA NOW UNDER ARMS FOR HIMSELF AND THE TROOPS UNDER HIS COMMAND, OF THE ONE PART; AND MAJOR ANDREW WILLIAMSON AND MAJOR JAMES MAYSON, COMMANDERS OF THE FORT AT NINETY-SIX FOR THEMSELVES AND THE TROOPS THEREIN UNDER THE DIRECTION OF THE PROVINCIAL CONGRESS.

[Original MS.]

1st. That hostilities shall immediately cease on both sides.

2nd. That Major Williamson and Major Mayson shall march their men out of the Fort and deliver up their swivels.

3d. That the Fort shall be destroyed flat without damaging the houses therein, under the inspection of Capt. Patrick Cunningham and John Bowie, Esq., and the well filled up

4th. That the differences between the people of this District and others disagreeing about the present public measures shall be submitted to his Excellency, our Governor, and the Council of Safety, and for that purpose that each party shall send dispatches to their superiors—that the dispatches shall be sent unsealed and the messenger of each party shall pass unmolested.

5th. That Major Robinson shall withdraw his men over Saluda, and there keep them embodied or disperse them as he pleaseth until his Excellency's orders be known.



6th. That no person of either party shall in the meantime be molested by the other party either in going home or otherwise.

7th. Should any reinforcements arrive to Major Williamson or Major Mayson, they also shall be bound by this cessation.

8th. That twenty days be allowed for the return of the messengers.

9th. That all prisoners taken by either party since the second day of this instant shall be immediately set at liberty.

In witness whereof the parties to these articles have set their hands and seals at Ninety-six this twenty-second day of November, one thousand seven hundred and seventy-five, and in the sixteenth year of his Majesty's reign.

JOSEPH ROBINSON.

A. WM.SON.

JAMES MAYSON.

*Present,*

PATRICK CUNNINGHAM.

RICHARD PEARIS.

ANDREW PICKENS.

JOHN BOWIE.

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MAJOR MAYSON TO COL. THOMSON.

[Original MS.]

NINETY-SIX, November 24th, 1775.

I now enclose you a copy of the cessation of arms agreed upon by Major Williamson and myself the day before yesterday, by which you will be able to judge of the terms we are to abide by on both sides. The persons chosen to represent the matter before the Provincial Congress are, Major Williamson, John Bowie, and myself, on the behalf of the associators for this Province; and Major Robinson, Captains Cunningham and Bowman, on behalf of the King. We who are appointed, are to meet here on Monday next, the 27th inst., in order to proceed to town to settle this disagreeable business. I shall now give you a small narrative of our battle. On Saturday last, about 4 o'clock in the afternoon, we received intelligence that all the people assembled in arms over Saluda river, had marched over, and encamped about four and a half miles from our camps, in number about two thousand. We had, at most, not more than five hundred men. At first consultation with Major Williamson, we agreed to march and meet the opposite party and

give them battle ; but, upon consideration, we thought it most prudent to march all our men to Col. Savages' old field, near Ninety-Six, as our numbers were small, compared with the other party, and to fortify the same with the rails thereabouts. We arrived there about day break, and in about two hours a square of one hundred and eighty-five yards, was fortified in such a manner as to keep off the enemy ; but before three days had expired, our men began to be outrageous for want of bread and water, and we had not above sixteen pounds of gunpowder left. On Tuesday last, in the afternoon, the enemy held out a flag of truce and sent into our fort a messenger with a letter from Major Robinson to myself, which was the first beginning of this treaty. We have only one man dead since this battle, and eleven wounded ; some will be mortal by the doctor's opinion. The enemy say they had but one man dead, who is a Capt. Luper, and about the same number wounded as ours ; by the best information they have buried at least twenty-seven men, and have as many wounded. I am certain I saw three fall at the first fire from our side. The swivels are to be delivered up this evening to us, although inserted in the articles of cessation as given by us up, as agreed to by the head men of the other party.

JAS. MAYSON.

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MAJ. WILLIAMSON TO MR. DRAYTON, GIVING AN ACCOUNT OF THE  
SIEGE, ACTION, AND TREATY AT NINETY-SIX.

[Original MS.]

WHITE HALL, Nov. 25, 1775.

*To the Honorable William Henry Drayton, Esq.,*

SIR :—Your letter by order of Congress dated the 9th inst., I received on the 14th, by the Express, and am happy to find my past conduct met the approbation of your Honor and the Congress. It shall always be my study to discharge my duty and the trust reposed in me by that respectable body. Before I received your letter I had reinforced Fort Charlotte with fifty-two militia and supplied them with provisions, and have since given orders for their continuing there one month longer ; I have also furnished Captain Caldwell with iron for the carriages to mount the guns.

I should have had the Honor of transmitting you an account of my situation before now, but could obtain no certain intelligence from the

opposite party, until the seventeenth instant in the night (notwithstanding I had used all possible endeavors and some expense to obtain some knowledge of their strength and designs) when I learned their numbers amounted to at least fifteen hundred men, and understood that it was chiefly owing to an affidavit made by Capt. Richard Pearis, that so many men were embodied—a copy whereof I now inclose you, as also a copy of the oaths they imposed on those who happened to fall into their hands, all of whom they disarmed except such as were willing to join their party.

On the eighteenth, in the evening, I received certain information that they were crossing Saluda river on their March towards us, and then was joined by Maj. Mayson, with thirty-seven rangers. I immediately ordered the men under arms, and took the resolution of marching to meet them, and demanding their intentions, and if they were determined to come to action to be ready before them, and on acquainting the officers and men thereof, found them all cheerful and willing to proceed, but afterwards reflecting on the fatal consequences should we have been defeated, proposed in a Council of War, consisting of Maj. Mayson and all the Captains, to march from the camp near Ninety-six into the cleared ground of Col. Savage's plantation, where we could use our artillery with advantage, and there fortify our camp till we should receive more certain information of their strength (being in immediate expectation of being joined by Col. Thompson and the rangers at least, and also some men from the lower part of this regiment and Augusta,) which was unanimously approved of, and early next morning we marched to Ninety-Six with all our provision and baggage, and in about three hours erected a kind of fortification of old fence rails joined to a barn and some out houses, which before we had quite completed they had surrounded us with a large body of men with drums and colors. I then sent out an officer to demand their intention, who, on his return reported that Major Robinson and Mr. Patrick Cunningham refused to have any conference but with the commanding officers. I then sent out Major Mayson and Mr. Bowie, whom they and Mr. Evan McLaurin met between their men and the fort in sight of both, and after about fifteen minutes conference they returned, and reported that they insisted on our immediately delivering up our arms to them and dispersing; which were the only terms they were determined to grant us, and that at parting they told them to keep our people within the fort, which was the only place where they could be safe; and immediately they took two of our people just by the fort, before my face, whom I gave orders to retake, and a warm engagement ensued, which continued with very little

intermission from three o'clock in the afternoon of Sunday, until Tuesday sunset, when they hung out a white flag from the jail, and called to us that they wanted to speak to the commanding officers. I replied, if they wanted to send an officer or any message they should be safe. On which they sent a messenger carrying a lighted candle and a letter from Major Robinson directed to Col. Mayson, demanding of us as before, to deliver up our arms and disperse, giving us one hour's time to return an answer; to which Major Mayson and myself jointly answered that we were determined never to resign our arms, and in about two hours, Mr. Bowie, who carried our answer returned with a letter making the same demand, and with him Patrick Cunningham, whom I met about fifty yards from the gate, where we conversed for sometime, and then he came with us into the fort, where, after some time, we agreed to have a conference on the morrow, at eight o'clock. Accordingly, on Wednesday morning Maj. Mayson, Capt. Pickens, Mr. Bowie and myself met with Major Robinson, Messrs. Patrick Cunningham, Evan McLaurin and Richard Pearis, and agreed to the cessation of hostilities now inclosed you, which was lucky for us, as we had not above thirty pounds of powder, except what little the men had in their horns; but no scarcity appeared, as no person knew our stock but one gentleman and myself. We had thirty-eight barrels of flour with four live beeves in the fort, and got very good water the third day, after digging upwards of forty feet, so that if we had had a sufficiency of powder we could have stood a siege for a considerable time. It will appear to your Honor by the articles that we gave up the swivels; but that was not intended either by them or us, for after the articles were agreed on and were ready for signing, their people to the number of between three and four hundred surrounded the house where we were and swore if the swivels were not given up they would abide by no articles, on which the gentlemen of the opposite party declared upon their honor that if we would suffer it to be so inserted in the agreement they would return them, which they have done and I have this day sent them to Fort Charlotte.

I am sorry to acquaint your Honor that some small difference arose between Major Mayson and me about the command of the militia, but flatter myself the service has not suffered thereby. To prevent any bad consequences I agreed that if he would come to Camp I would receive orders from him for the militia and volunteers, and give them myself until a gentleman should arrive who would command us both, but when I received your letter with orders from the Congress, I thought myself no longer bound by that agreement, especially when he told me he was ordered to attend the Congress; I beg to be understood that I don't

wish for command, but would willingly be of any service to my country that I possibly could.

I am obliged in justice to the officers and men on this expedition to declare that their behavior greatly exceeded the most sanguine expectation. They did not during, a siege of near three days, without water, either murmur or complain, and cheerfully stood at their posts during three nights without any fire, nor was there any symptoms of fear to be seen among them. Our loss was very small, owing chiefly to blinds of fence rails and straw with some beeves' hides, &c., erected in the night behind the men who would otherwise have been exposed to the fire of the enemy. We had only thirteen men wounded, one of whom is since dead, most of the rest very slightly. The loss of the opposite party is said to be considerable.

I have the honor to be, sir,  
your Honor's most obedient,  
and very humble servant,  
A. WM. SON.

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COL. RICHARDSON TO MR. DRAYTON.

[Original MS.]

CAMP NEAR CONGAREES, Nov. 27th, 1775.

SIR:—I arrived at this place last night, and take the earliest moment I can spare to write you this, as I have been very busy in getting the men's wagons, &c., over the river, which I shall scarcely complete to-morrow. The route I intended to have taken was very different from the one I at first anticipated; as when I heard of the fort at Ninety-Six being besieged, I altered my march, in order to make what speed I could to relieve them; but they had concluded articles too soon, for a possibility of my reaching them. Perhaps it may be said in Congress, why did not Col. Thomson go and relieve them? I answer, he could not, was not able, nor had timely notice if he had been. We have yet received no accounts from there but what I herewith enclose a copy of, together with a letter from Mr. McLaurin, which was sent to-day to Col. Thomson.

Col. Neel and Col. Thomas have not yet joined us. I addressed Col. Polk respecting his volunteer minute men and have received no answer; but all our distances are far, and time precious. I cannot



ascertain the number of my men, as I have not, from the bustle, been able to obtain regular returns, and which, I believe, at this time, amount to about one thousand, with daily additions, and soon expect as many more, if they can fortunately join, which I hope may answer every purpose. Though we hear the opposers are very numerous and violent and desperate, yet hope in a little time to give you a more full account of our army and our opposers, who are now much elated and carry a high hand. But though much, very much, depends upon this campaign, do not be under too great apprehension for the event. If God is for us, we have nothing to fear. I might tell a thousand hearsays, but nothing of moment to depend on. I am ready to receive any orders, and execute any commands that may redound to the peace and tranquility of my country, that I may be favored with in return, by the bearer, which please dispatch without loss of time.

With profound respect,

I am, sir,

Your most obedient, humble servant,

RICH'D. RICHARDSON.

P. S. I mean one thousand militia; expect more soon, &c.

P. S. After I wrote and sealed, about 12 o'clock last night we were alarmed by some of our rangers, which we had sent light to discover where Col. Thomas was, who, I heard, was on his way, in a dangerous part; they came to him about 22 miles from us, who had three prisoners. Lieut. Boykin, who commanded that light detachment of rangers, reported that Col. Thomas had stopped about dark to take a mouthful and refresh, intending then to drive on while he (Boykin) was there. Col. Thomas received a letter, informing him that Maj. Robinson was pursuing him with a thousand men, and would be cut off before he crossed the river. I immediately detached a party of rangers, volunteers and militia, sufficient I hope to sustain him. This evening have not yet heard; think, if proper instructions be given to look sharp for Robinson in his way to town. It would be a great matter to get him without his putting himself in your power; a good watch at Dorchester, and other proper places may secure him, for, I think, it will be his only refuge soon. I just heard from Col. Neal, not above twenty-five miles off. Do not let the expenses of this expedition be thought of; the state of our country just now require it, great as it may be. I am really ashamed of this scrawl, but courtesy is not to be expected here, where a man must have the eyes of Argus, and as many ears as eyes.

I am, with obedience,

Yours, as before,

R. R.

Col. Thomas took Capt. Mayfield and two more, whom Lieut. Boykin brought in from him last night. I just received account that Col. Polk is on his march, and will soon join us, &c. I fear we shall be put to great inconvenience in getting the cannon from Fort Charlotte, should we want them, and powder we shall surely want, and perhaps soon, though we are too sparing.

A REPORT OF THE MILITIA AND VOLUNTEERS ON DUTY IN THE FORTIFIED CAMP AT NINETY-SIX ON SUNDAY THE NINETEENTH NOVEMBER, 1775, UNDER THE COMMAND OF MAJOR ANDREW WILLIAMSON, BY ORDER OF THE HONORABLE THE PROVINCIAL CONGRESS.

[Original MS.]

No. of Companies.	Names of the Commanding Officers of the several Companies.	No. of Officers.	No. of Serg'ts.	No. of Privates.	Total.
1	George Reed,.....	1	2	22	25
2	Andrew Pickens,.....	2	3	35	40
3	Aaron Smith,.....	3	2	12	17
4	Benjamin Tutt,.....	3	2	29	34
5	Andrew Hamilton,.....	3	2	18	23
6	Thomas Langdon,.....	2	1	9	12
7	Adam C. Jones,.....	2	2	22	26
8	Matthew Beraud,.....	3	0	10	13
9	Charles Williams,.....	1	2	8	11
10	Francis Logan,.....	2	1	15	18
11	Alexander Noble,.....	2	0	2	4
12	John Anderson,.....	2	1	8	11
13	James Williams,.....	2	2	24	28
14	Robert McCreery,.....	3	2	25	30
15	John Rodgers,.....	3	2	15	20
16	Jacob Colson,.....	2	1	15	18
17	Hugh Middleton,.....	1	0	2	3
18	Francis Singuefield,.....	2	0	15	17
19	James McCall,.....	3	3	48	54
20	David Hunter,.....	2	2	15	19
21	John Erwin,.....	3	2	21	26
22	Robert Anderson,.....	2	1	15	18
23	Nathaniel Abney,.....	3	2	18	23
24	William Wilson,.....	2	1	13	16
25	Jos. Hamilton's Artillery,...	1	0	16	17
Total, .....		55	36	432	523*

\* It is supposed that Maj. Mayson and his thirty-seven rangers ought to be added to this return.

## COL. THOMSON TO MR. LAURENS.

[Original MS.]

CAMP, CONGAREE, Nov. 28th, 1775.

HONORED SIR:—You will see by the enclosed that our party and the opposite have had an engagement, and came to a cessation of arms on the 22d; and you will perceive how dilatory they were, in giving us information of it. The moment I received it from above, I acquainted Col. Richardson with the same, who was then about eight miles distant from us, and joined me about four hours after. We immediately summoned our officers and held a consultation on the following propositions:

1st. “Whether according to our orders in the present situation, the cessation of arms stipulated between Col. Mayson, Major Williamson, and Mr. Bowie on our side, and Mr. Cunningham, Mr. Robinson and others, on the part of the others, have any weight upon our operations. Carried in the negative.

2d. “As we have been informed of a kind of cessation of arms between the contending parties, if it be not necessary to acquaint the Congress therewith and ask their advice. Affirmative.

3rd. “As we have heard that troops were, or are now assembled, near Augusta, at the Cherokee Ponds, whether it may not be necessary for them to be desired to advance and meet us at some convenient place appointed, and a letter dispatched for that purpose. Affirmative.

4th. “Which may be the most necessary route to order our march, and the destination of the wagons now on the other side of the river.

5th. “Whether if they can be come at, it may not be prudent to take Cunningham, Robinson, and Pearis, in custody, though they are the persons acceding to the cessation of arms at Ninety-Six, and the best method to be pursued for that end.”

By order of Colonel Richardson, I marched with my regiment of rangers on Monday last, with about one hundred of the draughted militia to this place. Col. Richardson gave orders for draughting two hundred men, which orders I directed the officers of my militia to distribute, but was unfortunate enough to raise but about one hundred, and those collected from three companies in my own neighborhood. When the Sergeants warned the draughted people about Orangeburgh and the Congarees, they seemed very insolent, asked which camps they were to join, and, in fact, did as much as to declare themselves King's men, as they term it. The same dissatisfaction seems to have reigned

amongst a part of Col. Richardson's people. But I am persuaded, after all their murmurings, we shall have a sufficient number of men to vanquish all the disaffected people in South Carolina, and I hope Col. Richardson will have orders so to do before we break up. As I have heard several of the officers and men declare, that they would never take up arms again, unless the militia who have been draughted and do not appear, are made to suffer by fine or otherwise, and they have the liberty to subdue the enemies of America, as they observe that those who are not for America, are undoubtedly against it. Such discourses we hear spreading through our camps, and I have reason to believe is their determination.

We have had great uneasiness amongst them, when the news arrived of the cessation of arms, and we have no other means of appeasing their disturbed minds, but by signifying that the cessation of arms was not binding on us, and so forth.

I have some reason to believe that the late mob has privately murdered people in the woods who had been our associates. I imagine we shall march from here to-morrow, to the Forks betwixt Broad and Saluda rivers. If any part of this you think will prove of service to the country, I beg you would show it to the Congress; such other parts of it, beg you would treat as from your friend.

I am, honored sir,

Your very humble servant,

WM. THOMSON.

P. S. I believe part of the disaffection among the people at Orangeburgh, proceeded part from cowardice, and part from the speeches of disappointed gentlemen in our parish. But I hope to have the liberty of putting the militia law in force against the defaulters, and that I shall see their expectations frustrated.

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COL. RICHARDSON TO MR. DRAYTON.

[Original MS.]

CAMP NEAR CONGAREES, Nov. 30, 1775.

SIR:—By Maj. Mayson, just setting out for Charlestown, I take the liberty of acknowledging the receipt of your favor of the 25th, by Lieut. Charleton, and am extremely happy in the intelligence it contains. The additional numbers from Colonels Powel's and Rothmoler's, as well as Colonel Bull's, may, I think, be numbers we shall have no occasion for.

We have now, at least one thousand men, and are still increasing, and intend entering the Fork of Broad and Saluda rivers this day. I am really at a loss how to proceed, as I do expect they will couch under their cessation, which we in Council of War have voted not to affect us. Pray, if possible, send some more ammunition, the only thing I have yet asked ; money may be wanted, but you will honor our orders. I have only to say I think we have little to fear from the opposers of our peace.

In haste, I have the honor to be, sir,

your most obedient humble servant,

RICH'D. RICHARDSON.

#### LORD WM. CAMPBELL'S CERTIFICATE CONCERNING CAPT. FLOYD.

[Original MS.]

ON BOARD HIS MAJESTY'S ARMED SHIP CHEROKEE,  
Rebellion Roads, S. C., Dec. 7th, 1775.

*To all whom it may concern :*

I do hereby certify, that at the desire of His Excellency Lord William Campbell, I detained the bearer hereof, Mr. Floyd, two nights, on board His Majesty's ship Cherokee, under my command, as the circumstance of his coming on board with the messenger of the Council of Safety, made it highly suspicious that he did not come with any message from His Majesty's faithful and loyal subjects in the back part of this Province.

JNO. FERGUSSON.

#### DECLARATION BY COL. RICHARDSON TO INSURGENTS UNDER CUNNINGHAM.

[Original MS.]

#### SOUTH CAROLINA.

Whereas, on the third day of November last past, Patrick Cunningham, Henry O'Neal, Hugh Brown, David Russe, Nathaniel Howard, Henry Green, and sundry other persons, did, in Ninety-six District raise a dangerous insurrection and commotion, and did, near Mine Creek, in said District, feloniously take and carry away a quantity of ammuni-



tion, the property of the public, and in contempt of public authority, and did also, with further aid, and by force of arms, on the nineteenth, twentieth, and twenty-first days of said month of November at Ninety-Six, in the District aforesaid, attack, besiege, kill and wound a number of the good people of this Colony, and in manifest violation of peace and good order, and breach of a solemn treaty entered into on the eighteenth day of September last, made and concluded between the Honorable William Henry Drayton, on the one part, and Col. Thomas Fletchall and others, on the other part, thereby becoming guilty of the atrocious crimes of robbery, murder, and breach of treaty of peace. To satisfy public justice in the just punishment of all which crimes and offences, as far as the nature of the same will admit, I am now come into these parts, in the name and behalf of the Colonies to demand of the inhabitants, the delivery up of the bodies of all the principal offenders herein, together with the said ammunition and full restitution for the ravages committed, and also the arms and ammunition of all the aiders and abettors of those robbers, murderers, and disturbers of the peace and good order as aforesaid; and, in case of refusal or neglect, for the space of five days, I shall be under a necessity of taking such steps as will be found disagreeable, but which I shall certainly put in execution for the public good.

Given under my hand this eighth day of December, 1775.

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A FRAGMENT OF A JOURNAL KEPT BY REV. WILLIAM TENNENT, WHO WAS SENT, IN CONJUNCTION WITH MR. DRAYTON, BY THE COMMITTEE OF SAFETY, TO THE UPPER COUNTRY OF SOUTH CAROLINA TO INDUCE THE TORIES THERE TO SIGN AN ASSOCIATION NOT TO BEAR ARMS AGAINST, BUT FOR THEIR COUNTRY.

[From Copy of Original MS.]

AUGUST 2, 1775.—At 6, A. M., set out with Mr. Drayton in a chaise from Charleston, arrived at Mr. Henry Middleton's plantation, at Goose Creek, in Company with Rev. Mr. Ellington, and reached Mr. Thos. Broughton's                      miles.

N. B.—Met about forty Catawba Indians at the Quarter House on their way to town.

3rd.—Set out at six, in the morning, dined at Martin's Tavern, and reached Capt. Flud's, thirty miles. The night spent no-ways agreeably, owing to the noise of a maniac, occasionally there.

4th.—Finding that matters were not in the best posture in this parish, owing to the dissatisfaction of Mr. T——g, set out at half-past five o'clock, to breakfast with him. An opening for service seeming to present, we stayed to dine and had such conversation as will probably change his opinion; arrived at Col. T——'s at half-past seven, in the evening; yesterday we had to exchange a horse, which turns out to be a very good one, though poor in flesh, performs well. The Colonel not at home, but his absence softened by an agreeable family. I had a sick and sleepless night, owing to some green corn eaten at McG——s.

5th.—Set out a little after six, and by the help of Mrs. Thompson's good pair of horses passed over sixteen miles of the worst road I almost ever saw, owing to the steepness of the hills and gullies made by yesterday's shower of rain. Dined at Mr. Patrick's, a man of property among the Dutch, and afterward rode with him seven miles; arrived at Col. Chesnut's, pay-master, and there found Col. ——, with sundry officers of the Regiment; among others, was agreeably surprised at finding Dr. Charlton, from Philadelphia, a Lieutenant among them. We were soon introduced to Messrs. Dunn and Booth, two lawyers, sent from North Carolina, prisoners, for having been busy in stirring up the people there in opposition to the continent. They appear sensible and plausible men.

After making known our errand and powers to the commanding officer, we consulted with him and concluded to send the prisoners by a detachment to Charleston to the General Committee informing them of the time of the Congress in North Carolina; to disband the rangers for a few days to take off the fears of the people.

6th.—Preached in the camp at Col. ——, in the evening; finding some disaffected among the soldiers, Mr. Drayton harangued them and was followed by myself; until all seemed well satisfied, and we returned to Mr. Chesnut's, about two miles. About midnight were alarmed by an officer from the camp, who, informed us that they had mutinied and were determined to go off in the morning. We agreed to let matters rest until then. Ordered the companies to come to us.

7th.—Discovered that the mutiny arose from some words dropped by some officers concerning their pay and tents.

We dealt plainly with the corps of officers, and addressed the men at the head of the Regiment in such a manner as that they all went away happy. Slept badly this night.

8th.—Spent the morning in preparing matters to get the people together in different parts of the District.

Crossed Congaree river and rode five miles to an election for the Con-

gress, where they refused to proceed unless we should enlighten them. We found persons had come a great way to oppose the election. Harangued the meeting in turns until every man was convinced, and the greatest opposer signed the Association and begged pardon for the words he had spoken to the people. Returned and found that Major Mason was come.

N. B.—This morning about eleven o'clock, sent off Lieut. Dutarque with the prisoners to Charlesten charged with our dispatches.

9th.—Left here about seven; met a Company of militia and harangued them; they signed the Association and generally promised to meet Mr. Drayton in the Fork. After the meeting, I gained over in private the most obstinate.

Mr. Kershaw now came to us. Major James Mason came through from Ninety-Six and gave many melancholy accounts. Having agreed upon our route, we separated and I rode four miles to Mr. Beard's on the banks of the Saluda, a romantic situation—Col. Richardson accompanies me.

10th.—Crossed Saluda river early in the morning, and traversed the Fork, in that place about four miles wide, and at the ford, called Fur's Ford, on Broad River, met our guide. The ford is very shallow at present and presents a strange rocky prospect; crossed at an old Dutchman's, who was said to have influence over many; there met with some disaffected men, who became converts by proper arguments, and to confirm them in the opinion that the new bills were good, gave them gold for them. Reached Capt. Woodward's of the rangers after sundown, an honest man who informed that his Company had universally signed. Slept badly after riding thirty miles. Riding on horseback fatigues me much.

11th.—Preached this day according to appointment at Jackson's Creek Meeting House, where we met a pretty large congregation. After sermon harangued the people an hour on the state of the country, some of the most sensible were the most refractory I had met with, obstinately fixed against the proceedings of the Colony. After much pains brought over the chiefs, and from the greatest confusion brought all Captain ——'s Company cheerfully to subscribe the Association. After a fatiguing but successful day, rode five miles to Mr. Allison's, on our way to Rocky Creek; he seems an active and prudent member of Congress, as well as a sensible magistrate.

12th.—Detained by shoeing our horses until afternoon. We spent our time in writing and sending dispatches.

Finding that a part of Col. Neal's Regiment laid contiguous to Mr. Tims' Tavern on Sandy river, we determined upon a meeting next day,

and sent letters to Captains Martin and Richard Sadler, as also to Mr. Simpson all on Fishing Creek, to meet us at the above place and dispatched an express to them fifty miles.

Rode this evening in the rain twelve miles to McDonald's, on Rocky Creek.

13th.—Travelled five miles to Rocky Creek Meeting House, and met some hundreds of the inhabitants. Preached from Mark 4 and 20; and after sermon making an apology for the necessity of treating on the subject of my mission on the Lord's day, harangued at large; was supported by Col. Richardson. The heat almost melted me; but had the pleasure to see all the people eagerly sign the Association fully convinced of the necessity of it.

Rode ten miles in the evening through the rain to Captain —, if we can stand this we need fear nothing; but the inclemency of the skies was not to be compared to the fury of the little inhabitants of the bed. After a sleepless and wet night, I was shocked by the blood and slaughter of my calicoed shirt and sheets in the morning.

14th.—The morning being rainy we spent the time in laying the foundation for a Company of volunteer rangers to serve on horse; wrote a solemn agreement and a recommendation to the District in favor of it. Robt. Allison, Esq., undertook to enlist and swear a hundred men to be ready at a moment's warning, and to be at the command of the Council of Safety. Enlisted three more volunteer Companies at which the Ministerial heroes were much chagrined; but there was no recall. Spent the remains of the day and evening in rallying and desultory talk with a collection of the most staunch of Fletchall's friends. The pamphlet sent up by the Governor has done much damage here, it is at present their Gospel. It seems as though nothing could be done here, as they have industriously taught the people that no man from Charleston can speak the truth, and that all the papers are full of lies. Some angry discourse between Brown and Drayton sent us to bed.

19th.—Capt. Polk now came; we find that he has laid under some mistake as to his duty; he accompanied me and the Rev. Mr. Alexander to a meeting; found the people just parting; called them together and harangued them an hour. One of Fletchall's Captains and many of his men seemed convinced, and cry out upon the lies that have been told them, and are ready to sign the Association. Rode to Mr. Alexander's, and in the way crossed Talbot's Ferry on Broad river, twenty miles above the Fish Dam Ford. Am now but twenty-three miles from Tims' Tavern, where I saw the four Companies. Have rode to-day about twenty-three miles.

20th.—Wrote a letter to Mrs. Tennent, and one upon an important subject to the Council of Safety, and set off at half after eight for King creek, to a muster of Capt. Robert McAfee's company, after a hard and rough ride of twenty miles, in which crossed King creek at a beautiful rocky ford ; found about one hundred people assembled, among whom were some of the most obstinate opposers of the Congress. Spoke to the people at large on the state of America. They seemed much affected towards the close, but afterwards aided by two gainsaying Baptist preachers, they all refused to sign the Association except ten. After their refusal which proceeded from the grossest ignorance and prejudice, spoke again to their heads, who, upon renewing the charge, seemed quite softened, and only asked a little time. They proposed to obtain some powder to defend themselves from the Indians who are troublesome ; told them it was impossible ; knew they would not use it properly ; told them as soon as they would associate and let us know it, we would try to do something for them. This I hope will have its influence. Parted and crossed the end of King's Mountain about dark, and rode fifteen miles to Col. Polk on ———, where we arrived at half after eight, having travelled in all thirty-eight miles. This has been a hard days' work.

21st. Went five miles to Barsheba meeting house ; found assembled a large body of people indeed ; preached from Romans v. 5. Afterwards spoke largely upon the public affairs. The people seemed entirely satisfied and signed the Association almost universally. This I hope will bring over Col. ———'s regiment, *let his intentions be what they will*. Travelled ten miles, being much fatigued, to Capt. Beer's on Bullock creek, lodged there, rested badly, though most kindly entertained.

22d.—Gave Mr. Beers a form of enlistment for volunteer rangers ; wrote to Col. Polk in Mecklenburg, and to Charleston. Set out and rode thirteen miles, (crossing Broad river at Smith's ford, to a meeting house of Mr. Alexander's on *Thicketty*, where found him preaching to a crowd of people assembled to meet me.

When he had done, I mounted the pulpit and spoke near two hours. There were present many of the most heated of Maj. Robinson's friends, his wife and others, two captains viz : Steen and Colman.

The people seemed convinced, and after writing an Association from memory, refreshed myself, and drank out of a cow bell, they signed the Association and retired, seeming contented. Capt. Steen invited me home ; find he is entirely taken off from a most horrid scheme carrying on here.



23rd.—In conversation with Capt. Steen, he seems fully convinced and ready to sign the Association; after affectionate assurances, parted and rode three miles to Goudelock's where met with Messrs. Nuckels and Adderson; after some conversation rode to Capt. Colman's, found him halting with what he had heard yesterday; took pains and convinced him of the ruin of the Boston charter, and left him in *a fair way*. Went to Capt. Plumer's for lodging; found him a strong friend of Col. —, honest and open; reasoned with him, and, before bed time, fully convinced him of the justice of our cause, and engaged him to the muster to-morrow, seventeen miles.

24th.—Went eighteen miles to the general muster, at Mr. Ford's, on Enoree. We found that the captains had dissuaded their people from coming, and met only about 270 men. The gang of leaders were there all double-armed with pistols. Mr. Drayton began to harangue them, and was answered in a most scurrilous manner by Kirkland, when Mr. D—— interrupted him, and a terrible riot seemed on the point of happening. This seems to have been preconcerted, but the disgust against Kirkland appearing so universal, and people pressing on, the matter was quashed. I replied to Kirkland, and went at large into the argument; had a most solemn and impressive discourse for an hour and a quarter. Kirkland remained, but the people mostly retired and left only a small circle; he was left by Brown to a smaller still, who read the pamphlet and dilated upon it. In the mean time, those who remained began to sign the Association, and the greater number appeared convinced, even though they did not sign. Many seemed very spirited in the cause of America, but a dark design appears to sit upon the brow of the leaders of the party! The boldness with which we spoke seems to have damped their spirits, and the people are of opinion that the opposition will weaken fast. Mr. Drayton and I having been long apart, now agreed upon our route and proceedings, and set out to-morrow towards Ninety-Six.

Parted from Mr. Drayton, who went to visit a fall of water, and, on his return, is to meet a large company at a horse race to-morrow, at Duncan's creek; forded Enoree river, and rode twenty miles; met with several hard showers, and directed Mr. John Downes, a magistrate; arrived in the evening at Mr. James Williams's, one of the committee, an honest and liberal man, who lives in the midst of Cunningham's Company; was kindly received, and better entertained than I have been since I left the Congarees; met with Rev. James Creswell, minister at Ninety-Six and this place.

25th.—Met with the greater part of Robert Cunningham's Company,

and two of his officers in a large congregation at the meeting house, one mile and a half from Mr. Williams's, on Little river. Preached to a large and concerned audience. After a short intermission, spoke for two hours and a half upon the subject of my mission to the most fixed people that I have ever yet seen. This is the centre of the opposition in this Regiment. Therefore, finding I had caught the attention of the sober and judicious, I spared no pains to convince them, and at the close made a solemn proposal to them to send some men (whom they could trust) to me at Charleston; promised them safe conduct, and that they should be fully satisfied by all the original papers.

I conjured them by all that was sacred, that they would not give themselves up to be the dupes of ministerial artifice, or the instruments of opposition and slavery, and, by God's help, so touched their minds, that the greater part of them clustered around me afterwards and wanted to hear more; many seemed much shocked; some declared themselves convinced; others went away silent; a few were very angry. C——'s Lieutenant and Ensign seem worthy men, they came home with me, and appeared much moved by some papers which were read. In short, it would seem that the force of violence is broke here. Appointed a sermon for Mr. Hart in this place next Tuesday, which I hope will fix the matter. Mr. Drayton joined us in the evening, with Major Terry.

26th.—This day contented ourselves with going to the Rev. James Creswell's, only seven miles. Spent the evening pleasantly with the good people; and young Mr. Taylor from Virginia, who seems so much engaged in the cause that he got the promise of a commission, if nothing prevents.

27th.—Went eight miles to Ninety-Six, put up at Wm. Mores. In our way, crossed Saluda at Mr. Creswell's ferry, and Wilson's creek, at Pearson's mill. The fresh was so high, as that we were obliged to put the chaise into a flat and cross the mill pond. Had a considerable meeting; preached from Neh. ii., 3.

Mr. Drayton harangued them, and was followed by me. The audience appeared fully convinced, and as I learned, there remained not one who had not subscribed before, that did not subscribe now. Met with messengers from Long Cane, who came to solicit us to go thither; agreed with them on meetings, in different parts of the district. Were alarmed in the night by a messenger to inform us, that the wife of Major James Mason was drowned in crossing Wilson's creek, on her return from sermon.

28th. Major Williamson met us in the morning, and after proper

agreements parted ; Mr. Drayton for Augusta, Mr. Tennent to cross Saluda, in his way to a meeting at Capt. James Lindlay's, in the worse part of Fletchall's Regiment. I intended for Patrick Cunningham's, but was stopped by the rain ; lodged at Mr. Creswell's.

29th.—Attempted once more to go to Lindlay's, but only reached James Polard's, a worthy Virginian lately settled here ; the waters are too high to pass, and are rising constantly.

With great reluctance I am compelled to disappoint a congregation. That a day might not be lost, concluded to go to Little river meeting house, where Mr. Hart had appointed a sermon. With some difficulty got thither, heard a good sermon, concluded with a touch of the times. And now think it providential that we came here, as some opposers had collected who would have brow-beat Mr. Hart ; took the storm upon myself, and did some good.

Returned to James Williams' ; then wrote letters and lodged, having rode this day about eighteen miles.

30th.—Mr. Williams was so kind as to offer me his saddle-horse, that mine might stay and recruit with him. Left there early in the morning and halted at Rev. Mr. Creswell's ; crossed Saluda and rode to dinner with Major Terry, having swam our horses at two creeks, with much danger at one of them of losing our horses. Conversed plainly with the Major, and have reason to think he is firm in the cause of America ; he is now become Captain of a volunteer Company. He accompanied me, in the afternoon and evening on my way ; was benighted and obliged to put up at one Wilson's, having rode thirty-six miles, part in the rain ; slept upon a broken clay floor all wet, and the wind and damp blowing upon me ; passed a bad night.

31st.—Went to a meeting appointed last week on the Long Cane Creek in Boonsborough at one of Mr. Harris' preaching sheds ; preached, and in the midst of sermon had the pleasure to see Mr. Hart arrive. After sermon, spoke as usual on the subject of my mission ; was seconded by Mr. Harris and Mr. Salvador, to good effect ; returned to Mr. Reed's. The congregation was solemn and affected. Mr. Calhoun and other gentlemen returned with me, and spent the evening on the subjects fit for the times. Passed twelve miles this day ; slept at Mr. Reed's.

SEPTEMBER 1st.—Finding the necessity of ammunition in this place great, and several volunteer Companies formed, engaged Capt. Reed to send down ; wrote to the Council of Safety and gave the necessary orders. Met with a certain Mr. Ross who had been greatly disaffected ; he confessed he was convinced yesterday, and the greater part of Capt. Smith's

Company also, who, he believed, would join us; he proposed an association for them on oath, but somewhat different from ours; a thing I could not agree to. I find the people here agreeing fast and ready to obey commands. Set off with Mr. Harris for his house; passed by Mr. Bowie's; crossed Little River. The land here appears extremely fine; arrived at our quarters at sundown, sixteen miles; found good Mrs. Harris down with the ague, as more or less of every family seem to be in this quarter. Could not help observing the difference between the health of this District and that between Broad and Catawba rivers.

2d.—Studied a sermon in the morning and went five miles to Bull Town meeting-house, which is about fifteen miles from the Indian line. The assembly was the most crowded that I have seen. Preached extempore with more ease and freedom than common. The people though mostly opposers, appeared very affectionate. Finding them willing to hear, I gave them a discourse upon the American dispute of near three hours; I think I was more animated and demonstrative than usual. Its effect was very visible, the people holding a profound silence for more than a minute after I was done. A certain Justice Anderson, who formerly was a friend to American freedom, but receiving the magic touch from the other side the river, suddenly changed his note, and by every artful method has since disaffected his acquaintance. This man arose, and, in a smooth plausible way, objected to the Association. I answered him with as much clearness as I was able. The people seemed satisfied, and many of those who had signed Fletchall's Association now subscribed ours.

This day has, it is hoped, put an end to the strength of discord in this Regiment. Returned to Mr. Harris'; took there an affidavit, and receiving by express a message from Mr. Drayton, resolved to disappoint the meeting to-morrow, and to lodge this night at Patrick Calhoun's, Esq., ten miles distant; accompanied him home—having this day rode eighteen or twenty miles. Wrote dispatches for my horses to meet me at Augusta, and had a restless night.

3d.—Started early in the morning, and by half after eight was at Fort Charlotte, having missed our way, and rode not less than fifteen miles. The rains of last night have made the streams swell greatly. Crossed Little river in a most romantic place at Hutchinson's Mills. This country affords the greatest number of fine falls for mills of any I have ever seen. The soil is rich and the best foundation seems to be laid by nature for manufactures that can be conceived. Here is stone sufficient for all the purposes of building, and yet the ploughing of the land is not much impeded by them. Being very wet when I reached the Fort, had



a good fire kindled; washed my feet with rum, and took every precaution to avoid a cold. Surveyed the fortification, magazine, stores, ordnance and barracks, and find that this place though much out of repair, is still capable of a good defence. It is a large square with good bastions at each corner, so constructed as to be able to work sixteen cannon. The wall is of stone, about ten feet in height, with loop holes, to fight musketry. The platforms have not been made as yet, but are soon to be finished. The barracks are able to lodge two hundred men, and the officer's building, the armory and its offices are not despicable. It has a good well within it, and its gate is of strong plank. In short, I consider this post as very commanding, and of the last importance in the present cause. Gave orders, therefore, for completing its repair, mounting the guns, disposing of the ammunition, &c. &c. Sent for Capt. Whitfield, and consulted him about cutting away his corn. Ordered the horses to be sent out of the way of danger. Reviewed the soldiers and the militia; discoursed with them on the goodness of their cause; after proper exhortations, which they seemed to take very kindly; prayed with them, and took my leave accompanied by Lieutenant Cawan to his house, eight miles on the same side of the river. Anxiety of mind on account of the madness of the opponents of liberty robbed me of sleep until break of day.

4th.—Arose with the early dawn, took a guide and crossed Savannah river, at Cawan's ferry; the river swelling much by the rains; was on the Georgia side before sun rise; rode hard, and crossed a wood, to avoid a place where an ambuscade was suspected; passed Little river with great difficulty, my guide falling with his horse into the rapid current, lost his saddle, and was in some danger. Fording the rivers, and some showers, wet me exceedingly, which, with an empty stomach, made me feel badly before we reached the inn. It was near eleven o'clock before we broke our fast. Met with one of the *King's men*, as they are absurdly called, from whom I learned, that they expected a meeting on Wednesday of all their comrades on the banks of the Savannah, about twenty miles above Augusta, from which, and sundry circumstances, it appears that they mean some stroke. Arrived at Mr. Rug's at Augusta at half an hour sun, having rode forty-seven, miles some say fifty-five; left the horses there, and crossed the river to Capt. Hammond's; found his house fortified in, and a large body of militia there, ready to move with Mr. Drayton. This is one of the most lofty and fine situations I have seen since I came to this Colony. The river lies beneath him, and a sounding fall before his door. Navigation is clear to this place, and with one thousand pounds sterling, I would



undertake to clear it near one hundred miles farther up. Consulted with Mr. Drayton and found that on a discovery of the intention of Kirkland and the others to embody on Wednesday and go upon some enterprise, he had ordered the Regiment of horse to march, and the militia, in all to the amount of one thousand effective men. We agreed upon the necessary movements, and I consented to make the best of my way to Charles Town, to lay a state of the whole matter before the Council of Safety.

The two hundred men that are now here are the quota that Georgia sends under our commanding officer; slept at Hammond's.

5th.—My chaise and horses not yet come from Ninety-Six; begin to fear some accident; spent the day with Mr. Drayton, at Mr. Hammond's; crossed in the evening to Augusta, to the house of Mrs. Barnet, the relict of Col. Barnet, deceased; was genteely received and treated by Mr. Goodion; distance from Mr. Hammond's about four miles.

6th.—Wrote letters, and rode to Mr. John Walton's to dine, on the way the horse taking fright, ran away with Mr. George Walton and myself, but Providence so ordered, that the road being fine, after we had been carried with the greatest rapidity and danger near a mile and a half, the horse was stopped.

After dinner, as we were about to return to Augusta, another horse being in the chair, we had not proceeded forty steps before he took fright also, and ran off with great violence. The rein breaking, we could not direct him, and the wheel soon taking a log, were thrown out, and the chair was torn in pieces. Through God's goodness, I received only a small hurt on my hip, Mr. Walton was so bruised, that I thought it best to bleed him and put him to bed. I then accepted of a solo chair and went to Augusta; rode this day eighteen miles only. My chaise not yet come, makes me conclude that some miscarriage has happened, and find it necessary to send an express to Ninety-Six.

This evening our little detachment of about two hundred men marched about eight miles to Fox's creek, having news that Major Williamson was on his way to Ninety-Six, and Col. Thomson in full march with the rangers and militia to join them.

7th.—Wrote letters and dispatched a negro man with the horses for Mr. Williams, on the north of Saluda, with orders for my chaise and horses. Went ten miles to New Savannah, where I had appointed a meeting of inhabitants, in hopes to draw an audience out of Augusta, from Mr. Galphin's settlement, and Beech Island; but the most of the

men having marched with Mr. Drayton, and Mr. Galphin being from home, I had but few. To these few I thought it worth while to speak largely, as there were three non-associators among them. Dined and returned to Augusta; in all twenty miles.

Was alarmed by intelligence that two of Mr. Drayton's men had been killed after a short march. Sent to inquire into the report, and could not find the certainty. Another report came into town, that Kirkland, with a large party, was about twenty-five miles up the river at a ford, and intended to take advantage of the absence of the men to attack this place. Determining to make one in the defence of the town, went with speed to Wilson's Fort. They were greatly alarmed at our coming and received us with guns all prepared. After finding their mistake we were admitted, and had not been there ten minutes, before another rapping at the gate again alarmed the fortification. But in a minute was agreeably surprised to find it was Mr. Taylor from Saluda, who not being able to obtain any safe hand to bring my carriage, had travelled at least forty-eight miles to bring it to me, although he expected to be ambuscaded. He accordingly saw and conversed with some men who seemed to be placed for that purpose, but they let him pass after calling him sundry times by my name. I find this young gentleman possessed of much cool bravery and manly sense. He had missed the army on his way by going the lower road. By a letter with him and by word of mouth I received the joyful news of General Gages' defeat, and of the recovery of Boston from the hands of the British pirates. The discourse he had with Cunningham confirms me in the belief of the extent of Lord William's conspiracy. After arranging matters, and agreeing upon a signal, returned to Mrs. Barnet's fort, and found they had loaded thirteen muskets for service, and were preparing to repel an attack. Thank God I slept safely and soundly. Every valuable house in Augusta is surrounded by a strong wooden fortification, formed of three inch plank, in deep grooves of upright posts, not less than ten or twelve feet high. These forts are differently constructed; some have large strong pentagonal flankers at each corner, in which from twenty to forty men each may fight. The flankers have two stories, and on the upper floor are mounted a number of three-pounders. Others have demi-flankers projected from the middle of each side to answer the same purpose. These buildings serve, in times of peace, for chair-houses and other offices, but, in war, render the inhabitants secure in the midst of savages.

8th.—Contented myself with riding only nine miles on my way to Charleston, was accompanied by Mr. George Walton and Mr. Taylor.

On our way met an express from Savannah, who brought letters to Mr. Walton from the Council of Safety, which I wish I never had seen.

9th.—Set out about 8 o'clock, after many civilities from Mr. John Walton, whose plantation is, I think, the finest I ever saw in the article of soil. Crossed Briar creek in a flat, where it is not more than thirty-five yards wide. This shows the want of public spirit in this Colony. Five men would build a bridge over this stream in a fortnight. The court house on this road is laughable. It is a building of about twenty-five by sixteen feet, a pen of logs covered with clapboards; before it towers an oaken liberty pole with a tattered flag at its head.

After riding twenty-seven miles, put up at Lambert's tavern. This man had tried an experiment lately on three of his wagon horses; it succeeded so well that the buzzards are hard at business. Had it happened one month sooner, or had he had the wit to know before hand, that three dead horses are capable of perfuming the air at more than an hundred yards distance, I should not have had the amusement I am like to have all this night, but *every man is not an Apollo*. I find it better to laugh, than to be always snarling at the weakness of mankind.

I must not forget that this day, finding myself sleepy on the road, I took the liberty to stop my horses in the King's high way, and to take a nap in the carriage. I hope his Majesty will not be persuaded to get an Act of Parliament passed to constitute this treason.

10th.—Having no opportunity for the worship of God in a country destitute of the least form of religion, and no time to warn a meeting, and, indeed, not being happy where I was, I concluded it best to spend the day on the road. Dined at one Nichols' tavern, where, to a very bad dinner, was added the oaths and execrations of as detestable a crew as horse thieves in general are. Was glad to get away, and pushed hard to get to a Mr. Hudson's, about forty-two miles; with difficulty reached it, as my horses begin to weaken much. Found his house on a high bluff of Savannah river, fortified in by palisades. On one side you have a rough and agreeable view of the river, and the lands of South Carolina; on the other you have a broken prospect of woods and fields. The building is tolerably good, and the people kind. Here wrote letters to the Council of Safety in Savannah, giving them the most interesting intelligence.

11th.—Set out early for the Ferry at the two sisters; reached Tritchland's between nine and ten o'clock; he advised me that the waters were high but that I might pass; I since found that his intention was to convince me by finding it impossible, that even in so low a fresh Mr. Williamson's Ferry was not good. He succeeded in the unkind experi-

ment; for in addition to much difficulty, I had nearly drowned my best horse, and was glad to return to the house. He now kindly offered to set me over *gratis*. I accepted it and undertook, as there was no other hand, to steer the Flat up against the stream; but in my life I never endured more burning heat of the sun; I stripped to my shirt and labored hard for four hours to gain but one mile. Got to the ferry house much spent, and after a little refreshment threw myself on a bed and slept; awoke in a sweat much relieved by it. My friends would have smiled to see my repast and the figure I cut in eating it; fried pork and milk was a dish to which necessity gave a high relish. It was in the night before I reached the widow Allison's. It is an easy matter to write novels, if a man travels and describes nothing more than the truth. The world is full of vanity, and you meet with such comical animals upon the face of it, that to paint well is sufficient to interest a reader. At the tavern found a recruiting sergeant and some newly enlisted soldiers. But—hold—I have other business to do, than to write every thing I see and hear. I slept well, thank God, and got once more into my carriage on the morning.

12th.—But, to my unspeakable mortification, perceived that my two best horses were foundered, by getting into the corn field last night. Hobbled along with the greatest difficulty to Coosaw bridge. Was informed by Mr. DeSaussure, that there was to be a meeting of the officers of Beaufort Regiment at Vanbibber's tavern, where I might be furnished with horses. Concluded to stay and dine with them. In the mean time met with the unfortunate Dr. David Gould, whose narrative was truly affecting. Was very politely treated by Col. Bull and others; horses were found me at the first word. After much conversation on interesting matters, rode to my plantation. This day's jaunt was only twenty miles.

13th.—Found matters in good order at the plantation; but my horses so poor as not to permit my taking one of them with me. Gave the necessary orders in my own affairs, and rode in the evening to Dr. Budd's, eight miles.

Found there Mr. DeSaussure and Dr. Gould, by whom I was informed of the unmanly manner in which a certain Doctor had ordered the horse he had lent me out of my chaise.

Mr. Hamilton's coming, relieved me from my difficulty by promising me horses in the morning.

14th.—My horses were so entirely weakened that with difficulty they dragged me to Arthur Middleton's plantation where fresh horses met me. With only one small disaster, reached Mr. James Skirving's to dine.

He politely offered me horses to town, and with a pair of them got to Mr. Jo. Bee's in the evening ; rode about thirty miles.

15th.—Set out in the rain and rode this day through the greatest quantity of water I remember ever to have seen. Met with some small difficulties but had them all compensated by the joy of my dear family and friends on my safe arrival.

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#### RESOLUTION OF THE COUNCIL OF SAFETY.

[Original MS.]

CHARLES TOWN, December 12th, 1775.

*In the Council of Safety.*

The memorial of Messrs. Samuel and Benjamin Legare, of Charles Town, merchants, and affidavit therein referred to, being taken into consideration.

*Resolved,* That it is the opinion of this Council, that Messrs. Samuel and Benjamin Legare, may justly seize, and take into their possession, and cause to be sold at public auction, after ten days' notice, any effects of Lord William Campbell, in Charles Town, and out of the said sale to reimburse themselves to the amount of one hundred and sixty half-Johannes's, set forth in their memorial to be unjustly detained ; and also a sufficient sum to defray the expenses attending the said sale, and incidental charges, returning the overplus, if any there shall be, to the said Lord William Campbell, or to his representative in Charles Town. And, that the said Samuel and Benjamin Legare should, previous to this sale, give the Lord William Campbell due notice of this resolution, to the end that his lordship may, by a restitution of their property, prevent the said sale if he shall think proper.

A true copy from the minutes.

PETER TIMOTHY, *Secretary.*

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COL. RICHARDSON TO THE HON. HENRY LAURENS.

[Original MS.]

CAMP GREAT SURVEY, DUNCAN'S CREEK, Dec. 12, 1775.

SIR:—In the evening of yesterday, the honor of your commands from the Council of Safety, came to hand by the Express, which has given me infinite satisfaction, the rather as they convey the lenitive



measures, which I have been happy at the distance of two hundred miles to adopt. The eighth instant I wrote and made public a kind of declaration, of which I herewith inclose a copy, which I hope may in some measure meet with your approbation, upon which they have come in, many of them, and delivered up their arms, all of whom, where they have not been capital offenders, I dismiss with soft words and cheerful countenances, and admonish them to use their interest with their friends and neighbors, which seems to have a good effect. Our army which is now formidable strikes terror, and the opposite party have hitherto fled before us, keeping fifteen or twenty miles distant. We often are told they will give battle, but yet have not attempted it, and do hope we shall by the measures pursuing so weaken their party that most will abandon them, and they will not be able to make head with any great body, and the salutary measures prove the best conquest. Should their behavior be otherwise we shall deal with them accordingly. We have several prisoners, amongst whom are Col. Fletchall, Capt. Richard Pearis, Capt. Shuburg, and several others of the first magnitude. By the capture of Col. Fletchall (who was hid in a cave, and taken by Col. Thomson and rangers, and the volunteer companies who were sent out on that and some other service) papers have fallen into my hands which the Council of Safety will be glad to see, but which I cannot venture to send by this conveyance; but shall transmit by the officer of the guard, with the prisoners, which I intend to dispatch to-morrow. Our army is about three thousand of different corps, viz: my own regiment, Col. Thomson's, and volunteer light horse. Col. Thomas, Col. Neel, Col. Polk and Lieut. Col. Martin of the North Carolina regiment, upon the continental establishment, who voluntarily stepped out on this occasion, as did Col. Thos. Polk, and say if you have occasion for their services, they are ready to go to Charlestown when called upon. I conceive when we are all in conjunction we shall muster between four and five thousand men and hope we may be at liberty to afford you any aid you may have occasion for. It will take time to settle this disturbed part in peace, which is now quite disjointed. When I write you again, which shall be as often as distance and circumstances will admit, the omission of which for the time past craves your indulgence as I have been marching from place to place, &c., and waiting the return of express, has occasioned that remissness. Draughts on Congress and new Council of Safety have been received for larger sums, which we have been obliged to draw, paying the lesser sums and husbanding it in the best manner to keep our credit good. If a small supply could come safe, it would be acceptable, but just now I don't think

of a proper channel. The article power is well considered, and I shall know where to send if we want the additional numbers, I have made each portion small—but possibly may do. This minute, while I am writing, Capts. Plumer and Smith with thirty men surrender themselves and arms. All as yet goes on well, and hope, by Divine assistance, the Company may answer every good intention (if the inclemency of the season does not impede us), as our troops are illy provided, but well fed. The more minute circumstances you will suffer me to omit.

And believe me to be the servant of my country,  
and the honor of being, sir,  
your obedient humble servant,  
RICH'D. RICHARDSON.

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## COL. RICHARDSON TO MR. LAURENS.

[Original MS.]

CAMP LIBERTY HILL, Dec. 16th, 1775.

SIR:—I herewith send you the persons of Col. Thos. Fletchall, Capt. Richard Pearis, Capt. Jacob Fry, Capt. George Shuburg, John McWilliams, Philip Wells, James Davis, Capt. McDavid, alias McDade, and Joseph Alexander. These being all adjudged by the officers and people here to be offenders of such a nature that from the active part they have taken, it would be dangerous for me (however innocent they may appear before you) to let either of them go; they are under guard of my son, who, from his camp dishabille, will appear before you. I have nothing particular since my last. These unhappy people are in a great panic, still flying before us, and it is told that young Pearis and others have gone to bring the Indians down, in person; if it should be the case, it could not be in a better time, and if any such intentions, should be glad the whole would come while we are here. I shall use every measure in my power that appears to be salutary, but some things distress me much that I want advice upon, and for which I shall write you by express which may be down before this. Had I no fears for Charles Town, we could command every thing here. Though Cunningham, Robertson, and others, of the first class are fled, they may yet come in our way; should they, you will soon be acquainted with it.

I have the honor to be, sir,  
Your most obedient, humble servant,  
RICH'D. RICHARDSON.

P. S. Excuse paper, it being now very scarce.

## COL. RICHARDSON TO MR. LAURENS.

[Original MS.]

CAMP RABORN'S CREEK, HOLLINGSWORTH'S MILL,  
Branch of Reedy River, Dec. 22d, 1775.

SIR:—When I wrote last, by my son, with prisoners, I thought to let you hear from us before now, but constant marching, and multiplicity of cares and business have prevented, and the more so, as I had not such things as I could wish to acquaint you with; but now, as we have got to the very extremity of the roads north-westward, take the liberty to inform you, that on Saturday last, the 16th instant, we were joined by Col. Rutherford, of Rowan, and Col. Graham, of Tryon counties, in North Carolina, with about five hundred men, who, unmasked, stepped forth, hearing of the commotions in this Province, to give their aid in the common cause. Col. Martin and Col. Polk I informed you of before, and on Wednesday, the 20th inst., I was joined by Maj. Andrew Williamson, Capt. Hammond, and a small party of Col. Bull's regiment, amounting in the whole to about eight hundred, so that our army is now formidable, between four and five thousand—a number most desirable to view—though we have had no occasion for more than my own regiment to have done the business. Notwithstanding, the number has a good effect, strikes terror, and shows what can be done on occasion—and, upon the whole, it may prove a happy event—we have been successful in disarming most of this unhappy people; they are coming in with fear and trembling, giving up their arms, with a sensible contrition for the errors they have been guilty of. The spirit of discord being much abated, the most of the Captains have come in, and good part of the companies under them. I use every method in my power for the honor of the Colonies, and the salutary and peaceable establishment of tranquility in these distracted parts. There is still a camp which we cannot yet come up with, consisting of the principal aggressors, which were, by best information, camped on the Cherokee land. I detached yesterday about thirteen hundred horse and foot, about an equal number, under the command of Cols. Thomson, Martin, Rutherford, Neel, Polk, Lyles, Major Williamson, and others, commanding all volunteers, which, I flatter myself, will render us a good account, as I don't expect them in till to-morrow, or perhaps some days hence. We made use of wagon horses, and all we could muster on this service. They have had expectations of the Indians joining them, but by a letter from Mr. Wilkinson

to Major Williamson, they will be disappointed in that, as he says all are peaceable there, and the Indians well satisfied, and say the Saluda people are devils, &c.; the letter is dated the 17th December, 1775, &c. We have at times got small parts of the ammunition they got, and delivered with their arms; and yesterday two barrels, say fifty pounds, and have a slight information of some more. I shall, while I stay, do every thing I can for the good of my country, but the winter is advanced, the men, from their precipitate collecting and marching, illy provided, no tents, shoes wore out, and badly clothed, make it very difficult to keep them here. If they should break off abruptly, it might have a very bad effect; and as all the different corps, from like circumstances, are in the same situation, I shall, therefore, crave your permission to discharge the North Carolinians, to make their way from hence through the upper parts by the Indian line to their own colony, which will scour that part, and Cols. Neel and Thomson through a middle direction to their different quarters; Maj. Williamson's may be best concerted. Had I forces to garrison a fort, it might be proper to establish one, but the militia will not be prevailed on, I doubt, to stay, but hope, upon the whole, the spirit of discord will so far subside, that they will hardly raise any more commotions, and the rather, as the plans I have said. If our present expedition should fail that is now detached, we shall yet have these principals, as money will often accomplish what force cannot. We have many prisoners, yet think we shall not trouble you with many of them, as they are not of the first class, but make the best use of them we can after hearing harmony prevails amongst the officers of every different corps, and I could wish you had an opportunity of reviewing the whole. By the time I receive your answer in return, I conceive there will be very little left in the compass of my power. You may rely upon my best endeavors in the interim, and shall then hope for your permission to retire to my rest, and in their different districts to dismiss my own, and other regiments. After curbing this same spirit, which prevailed greatly on the north of Wateree river and Lynche's creek, and parts high up in that quarter, as we are fully informed since out, was it possible to keep the troops, I would quell or keep in awe, or win by fair means all parts of this Province; but must stop, when I think it well with us, least it should be worse. A representation of this, you will please to make to the Council of Safety, and guess at what I don't say.

I have the honor to be,

With esteem, sir,

Your most obedient humble servant,

RICH'D. RICHARDSON.



P. S. This minute since, or while I was writing my name, a messenger from Col. Thomson and the detachments arrived with the agreeable account, that they had surprised and taken the camp of Cunningham, &c., and taken the greatest part prisoners, with all their ammunition, guns, wagons, and utensils. P. Cunningham had escaped, and some principals, but the most are taken, &c. I hasten the messenger express, to you, and desire you will send him back as quick as possible, with a state of affairs in Charles Town, and such orders as you may think proper.

I am, as before,

Your most obedient,

R. R.

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EXTRACT FROM THE ORDERLY BOOK OF CHAS. LINING.

[Copy from the Original.]

ORDERS BY MAJOR PINCKNEY.

December 28th, 1775.

The Captains and Commanders of Companies and detachments are desired to put their men under stoppages in order to purchase their knapsacks; every detachment they are sent upon proves how much they are wanted. They are likewise desired to put their men under stoppages to procure them their full complement of necessaries. The very ample pay the Colony allows was never intended to be dissipated in drunkenness and rioting, as it too often most shamefully is, but was granted with a view to enable the men to procure such conveniences as were proper for their comfortable subsistence while in its service, and if they were frugal, to enable them to carry home something handsome after the service was over.

The Quarter-Master is to examine all the chimneys in the houses where the officers and men are quartered, and see that they are properly swept. He will likewise take care that the wagoners bring in a sufficient quantity of firewood, both to quarters and camp. The burning of fence rails is absolutely forbid, and those who shall be guilty of this practice may depend on being punished. The Major hopes that the sentence of the Court Martial respecting Cheshire for killing a fowl belonging to one of the neighbors will be sufficient to deter all others from offending in like manner. The soldiers should look upon themselves as



the guardians of the property of the inhabitants of this Colony, and should deem it an infamous breach of the trust reposed in them to destroy, or take away what they are bound to protect. The disgraceful punishment to be this day inflicted on Elmey for meanly skulking from his duty when ordered on this detachment, will convince the soldiers that the officers are determined to set a mark on every scoundrel who shall discover any backwardness in going upon any expedition on which he may be ordered. In this glorious contest, in which we are engaged for every thing that is dear to man, it is astonishing that there could be found a wretch so dastardly as to abscond when his fellow-soldiers were going upon a detachment which possibly might have been dangerous. Notwithstanding this shameful conduct of Elmey's, it is with the greatest satisfaction that the Major takes this opportunity to declare that he is highly pleased with the diligence and behavior of the men in general, since they have been on this detachment, and he begs leave to assure them that the continuance of such conduct will highly endear them to the Council of Safety and people of this Colony, and procure them the most glorious of all characters—that of being esteemed good soldiers. Captains Scott and Saunders are to go to town early to-morrow morning to attend the General Court Martial as members; Captain Pinckney is to attend it as Judge Advocate, and the Quarter-Master as an evidence.

Capt. Cattell, Captain of the day; Lieut. Vanderhorst, officer of the quarter guard to-morrow.

December 29th.

Any soldier who shall bring any rum into camp shall be punished; so shall that soldier be who shall purchase rum either in or out of camp, while on this detachment. Every soldier who shall absent himself from his hut or quarters after retreat beating in the evening, shall also be punished.

Notwithstanding the repeated injunctions against the purchasing of rum and spirituous liquors which have been given, three soldiers had the effrontery last night to go to the Still House, and there procure a considerable quantity of that liquor, but being detected, they had the dishonesty to steal Mr. Scott's canoe and take it away. The Major has, however, taken such measures that it will be impossible for them to escape. When a soldier once shows so great a contempt of discipline as to break through the orders that are issued, he is easily led on to commit the greatest offences. Theft has been the consequence of the insatiable desire of those three soldiers after that pernicious forbidden liquor, and when such an ill use is made of the indulgence of the Colony in

allowing rum to those who have been upon fatigue, there is little encouragement to continue it. But the Major will not punish the innocent on account of the guilty; at the same time he positively declares that no soldier shall infringe the orders relating to rum, need expect any favor or hope for any pardon from him.

Lieut. Mouett, officer of the quarter guard to-day, vice, Lieut. Vanderhorst, sick.

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MR. HABERSHAM TO MR. DRAYTON.

[Original MS.]

NEW YEARS DAY, 1776.

*To the Honorable William Henry Drayton:*

DEAR SIR:—Mr. Will delivered me your letter and I have told him he may call on me for either money or any assistance in my power to give him on the present occasion. He tells me he has met with some success already. Spencer, a Lieutenant in the Artillery, has recruited a number of men, among whom are several sailors, I dare say fifteen or sixteen. I suppose other men in their room would answer his purpose. I just give you the hint.

I am, sir, wishing you many and happy returns of the day,

Your most obedient servant,

JOSEPH HABERSHAM.

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COL. RICHARDSON TO HON. H. LAURENS.

[Original MS.]

CONGAREES, Jan. 2, 1776.

SIR:—In my last I informed you of the detachments I had sent out, and in a postscript, of my intelligence of success. Our people surrounded their camp by daylight in the morning after a long march of near twenty-five miles, and lying on their arms till day, they then attacked and took about one hundred and thirty prisoners, with baggage, arms, ammunition, &c., which completed the conquest of that flying party which had till then kept out of reach. They were encamped at a convenient place called the Brake of Canes on the Cherokee land; Patrick

Cunningham escaped on a horse bare backed (and they say without breeches) telling every man to shift for himself. None of our men were killed or wounded, except the son of Col. T. Polk, a fine youth, was shot through the shoulder, and was in great danger. Some five or six of the other party, I am told, were killed; happily the men were restrained or every man had died. The next day they returned to camp, the snow set in, and continued for thirty hours without intermission, which, with the hardship and fatigue the men had suffered before made them very uneasy, and seeing no more could be done they grew so uneasy it was out of my power to keep the troops together any longer. I, therefore, on Christmas-day dismissed the North Carolina troops, viz: Col. Rutherford, Col. Graham, Col. Martin and Col. Polk to all of whom, in behalf of my country, I returned my cordial and hearty thanks, &c.; the same day, Colonels Neel and Thomas, and Major Williamson with proper orders to pursue such measures in their different marches, as I was convinced would be necessary for the public service. I then as I found the service pretty well done and no possibility of detaining the men longer, the snow then lying on the earth in the smoothest places at least fifteen inches deep (most say two feet) I marched in the best manner we could downward. Eight days we never set foot on the earth or had a place to lie down, till we had spaded or grabbed away the snow, from which circumstance, many are frost bitten, some very badly; and on the third day a heavy cold rain fell, together with sleet; and melted the snow and filled every creek and river with a deluge of water; but with all these difficulties we reached this place yesterday with the prisoners, whom we have used in the best manner we could—about ten Captains and a hundred and twenty of the most mischievous men (some of whom will make good soldiers); all the powder; Ninety-six and New Camp men. We retook seven kegs of gun-powder, six of which I delivered to Maj. Williamson to be sent to Mr. Wilkinson for the Cherokees; many arms have been delivered up, and I caused the men to sign an instrument of writing, which they did willingly with fear and trembling, by which they forfeit their estates, real and personal, if they ever take up arms against, or disquiet the peace and tranquillity of the good people of this colony again, and to assist them if they are ever called upon. The arms taken by Maj. Williamson and those from that quarter I ordered to be stored at Fort Charlotte; which he (the Major) is to see done. Those taken by the upper regiments are to be sent down, and many lodged in the hands of the Committees to be sent to Mr. Chesnut's Store at the Congarees, and about two hundred stand I have ordered to Camden, &c. I have drawn orders in amount, three thousand six hun-

dred dollars, (29, 6, 11,) a list of which I transmit inclosed, which I beg you will please to honor. The prisoners I send in a boat from this place to Wilson's Ferry, under the command and guard of Capt. Thomas Sumter, who on this expedition I constituted Adjutant-General, who has behaved very well and has been to me and the cause, of extra service; from thence Col. Thomson with the Rangers and others under him will guard them to Charleston, who, with Major Mayson and officers under them have been obliging in behavior and alert in service, and must recommend them to your particular notice; and I must say through the whole I have been extremely happy in the mutual harmony which has subsisted. Maj. Joseph Kershaw, whom I constituted Major of the Brigades, has been more than commonly serviceable, as he has been Major, Commissary-General, Treasurer, and every thing to help the service; and thus, sir, I have been obliged to end this campaign before I received orders, as the last Express (Newton) is not yet returned, and am happy when I say and think it has answered every desire, wish or expectation. The people are now more convinced than ever of their being wrong. The lenitive measures have had a good effect; the spirit and power is gone from them and I am sure (if not interrupted by designing men on our side) that country, which I had it in my power to lay waste (and which the people expected), will be happy, and peace and tranquility take place of ruin and discord—a wished for event. On the reverse, had I burnt, plundered and destroyed and laid waste, seizing on private property, then thousands of women and children must have been left to perish—a thought shocking to humanity. I am informed Maj. Williamson has sent an immediate detail of occurrences from Raborn's Creek of the 23rd or 24th ult. to the Council of Safety which I must ask pardon for not doing sooner, as I then was and till within two hours have been too much incumbered to do. I think if that gentleman wrote to the Council of Safety while under my wing, which was only just at that juncture (two days) he might have let me know it, but hope he has not omitted his own merit, which I should always take care to give him. I shall refer you to Col. Thomson and Maj. Mayson for further particulars, as I am still broke in upon every line. You will, therefore, please to present my duty and service to the Council of Safety (or Provincial Congress, for I am at a loss when they meet). I shall lay my imperfect journals before them, whenever they are pleased to call on me, or at some other time. Till when, give me leave, of having the honor, to be, sir,

Your most obedient humble servt.,

RICH'D. RICHARDSON.

## MR. RICHARDSON TO THE COUNCIL OF SAFETY.

[Original MS.]

*The Honorable the Council of Safety.*

CONGAREES, January 2d, 1776.

GENTLEMEN :—By Col. Thomson of the rangers, you will receive, if nothing happens, the prisoners, we thought proper to detain, which, upon examination, find were the most leading and active, in taking the powder at Ninety-Six, and the late camp. They were long out before taken, and have been some time since in durance, from which circumstances they of course will make but a despicable appearance, adding also, that the spirit of humility and contrition takes place of the opposite character. I shall say but little now, as I wrote so fully yesterday by express. I am at a loss to know how to recommend my brother Colonel, will only say his behaviour has been as becomes him, and deserves your notice. My hurry in getting off the people provisions, &c., obliges me to desist, and only add that

I am, gentlemen,

Your most obedient humble servant,

RICH'D. RICHARDSON.

## PRISONERS SENT TO CHARLES TOWN BY COL. RICHARDSON.

[Original MS.]

1. Col. Fletchall.
2. John Mayfield, Ninety-Six, Militia Captain.
3. Benj. Wofford, Militia Captain.
4. R'd. Pearis, Scopholite Captain, Ninety-Six.
5. Math. Floyd, Ninety-Six, Militia Captain.
6. Dav. George, Militia Captain.
7. Pat. McDade.
8. Wm. Hunt, Scopholite Captain, Ninety-Six, Mulatto.
9. Geo. Zuber, Ninety-Six, Militia Captain, said to murder a prisoner.
10. Jacob Fry, Scopholite Captain, Ninety-Six.
11. Capt. Jones, Scopholite Captain, Ninety-Six, Cane Brake, Colored, Powder Man.
12. Capt. Pearis, Scopholite Adjutant, Ninety-Six, Cane Brake.



13. Capt. Bowman, Ninety-Six, Cane Brake, Powder Man, Militia Captain.
14. Capt. Harvey, Ninety-Six, Cane Brake, Powder Man, Militia Captain.
15. Capt. Clery, Scopholite Captain, Ninety-Six.
16. Capt. Lindley, Ninety-Six, Cane Brake, Militia Captain.
17. Capt York, Ninety-Six, Cane Brake, Powder Man, Militia Captain, Press Master General, deemed a bad man by both parties, to be delivered by Maj. Williamson.
18. D'd. Cunningham, deemed a bad man by both parties, to be delivered by Maj. Williamson.
19. Geo. Nealey, Commissary General, Ninety-Six, Cane Brake, Powder Man.
20. Thomas Combs, Cane Brake, Powder Man.
21. Thomas Tomlin, " "
22. Jeremiah Ward, Ninety-Six, Cane Brake, Powder Man, and a very bad man.
23. Henry Green, Ninety-Six, Cane Brake, Powder Man, Militia Captain.
24. Sam. Proctor, Cane Brake, Powder Man, Militia Captain.
25. John Norris, Cane Brake, Powder Man.
26. Benj. Stone, Ninety-Six, Cane Brake, Powder Man.
27. John Davies, Cane Brake, Powder Man.
28. Dav'd. Reese, " "
29. Thomas Carter, " "
30. James Derumple, " "
31. James McGill, " "
32. Wm. Johnston, " "
33. Thomas Wisdom, Cane Brake, Powder Man, Lieut. in the Militia, and an extreme active man.
34. Abra'm. Nabors, Cane Brake, Powder Man.
35. Isaac Nabors, " "
36. Geo. Carter, " "
37. Thos. Gill, " "
38. Wm. Stone, Ninety-Six, Cane Brake, Powder Man.
39. Rob't. Proctor, Ninety-Six, Cane Brake, Powder Man, a very bad man.
40. Caleb Stone, Ninety-Six, Cane Brake, Powder Man.
41. James Carter, Cane Brake, Powder Man.
42. Rob't. Grey, " "
43. Capt. Hibern, an active man.

44. Elisba Watson, Cane Brake.
45. John Helms, Ninety-Six, Cane Brake.
46. Thomas Alison, " "
47. Wm. Matthews, " "
48. Dav'd. Alison, " "
49. Wm. Alison, " "
50. Rob't. Wood, Cane Brake.
51. John Miller, Ninety-Six, sent from Ninety-Six.
52. Henry Strum, Ninety-Six.
53. Tho. Nevills, Cane Brake.
54. Christ'r. Reuben, "
55. Robin Brown, Ninety-Six, Cane Brake, Powder Man.
56. John Reid, Ninety-Six, Cane Brake.
57. James Reid, " "
58. Adam Frelick, Ninety-Six.
59. Fred. Bagwell, Ninety-Six, Cane Brake.
60. John Wright. " "
61. James Johnston, " "
62. James Camell, " "
63. Wm. Cox, Cane Brake.
64. Fred. Reuben, "
65. Thomas Good, "
66. Moses Casey, Ninety-Six, Cane Brake.
67. Adam Purdue, " "
68. John Casey, " "
69. Jesse Casey, Cane Brake.
70. John Rigdell, Ninety-Six, Cane Brake.
71. John Rigdell, jun., " "
72. Emanuel Miller, went from Ninety-Six to join the opposite party.
73. Henry Attolph, Ninety-Six, Cane Brake, Lieut. Major.
74. John Meek, Ninety-Six, Cane Brake.
75. James Mills, " "
76. Francis Regan, " "
77. Wm. Burrows, " "
78. Benj. Stone.
79. Joshua Niblet, Ninety-Six, Cane Brake.
80. Joshua Fowler, " "
81. Rich'd. Fowler, " "
82. Sam. Harris, " "
83. John Goff, " "
84. Rob't. Westmorland, " "

85. Tho. Welch, Ninety-Six, Cane Brake.
86. Holl'y. Power,           "           "
87. Hugh Abernathy,       "           "
88. Dav'd. Reese, mentioned before.
89. Jacob Wittherow, Ninety-Six, Cane Brake.
90. John Wittherow,       "           "
91. Chris. Tongues, Cane Brake.
92. John Burrows, Ninety-Six, Cane Brake.
93. Hen. Centerfitts, Ninety-Six.
94. Wm. Mills,           "           "
95. Henry Citeman, a very bad man.
96. Wm. Caldwell, Ninety-Six, Cane Brake.
97. And. Averter,       "           "
98. Abel Bowling,       "           "
99. Owen Reid,           "           "
100. Dennis McCarty, Ninety-Six, Powder Man.
101. Tho. Rogers,       Cane Brake.
102. Harmon Dildine,     "           "
103. Isaac Evans, mentioned.
104. Benj. Gregory, Ninety-Six, Cane Brake.
105. Jos. Turner,       "           "
106. James Nicholl, Cane Brake.
107. Edw'd. Lang, Ninety-Six, Cane Brake.
108. James Wright,     "           "
109. John Evans, Cane Brake.
110. John Welch, Ninety-Six, Cane Brake.
111. Wm. Elliott,       "           "
112. Leon'd. Nix, Cane Brake.
113. Wm. Payne, Ninety-Six, Cane Brake.
114. Henry Goff,       "           "
115. Dav'd. Nielson,     "           "
116. John Morgan, Cane Brake.
117. Fred. Hartwell, Ninety-Six, Cane Brake.
118. Dan. Allen, Cane Brake, lame.
119. Henry Counts, Ninety-Six, Cane Brake.
120. Elisha Robinson,   "           "
121. James Burgess, Ninety-Six, Cane Brake, an old man, but bloody minded.
122. Thomas Gill, Ninety-Six, Cane Brake.
123. Holly Goff, died on the road.
124. John Tominson, Ninety-Six, Cane Brake.

125. Hugh Nealey, Ninety-Six, but surrendered himself to Col. Richardson.
126. Witnall Warner, supposed to rob Mr. Pendleton's lodgings at Ninety-Six.
127. Wm. Watson, harmless man, but at the Cane Brake.
128. Chris'r. Casey, Ninety-Six, Cane Brake.
129. John M. Williams, the machine maker to set fire to the Ninety-Six Fort.
130. Jos. Alexander, Ninety-Six, Cane Brake.
131. James Davies, " "
132. Phil. Wells, Ninety-Six.
133. Jacob Stack, "
134. Dan. Stagner, "
135. Capt. Nealey Carghill, and
136. Capt. Edghill, one sick, but both to be delivered up 1st February.

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CAPT. SHERMAN TO MR. DRAYTON.

[Original MS.]

SAVANNAH, Jan. 7, 1776.

SIR:—This comes to acquaint you of my proceedings at this present time.

Sir, I have sixteen men now under my orders—twelve of them good seamen and carpenters. I only await your orders to proceed, as I am afraid to go. There are four men-of-war at Coxspur, and it is dangerous to go by water, but I will run all risk after I hear from you. I expected to be favored with a few lines from you for my further instructions, but have had not one line from you.

Sir, till I hear, I remain your

obedient humble servant to command,

THOS. SHERMAN.

P. S.—I am in great hopes of eight or ten more men in one or two days.

## MOSES KIRKLAND TO HENRY LAURENS.

[From a letter published by order of Congress.]

*To the Honourable Henry Learance, Esqr and presedent of the Counsel of Safety at Charles Town in South Carolina*

MAY IT PLEASE YOUR HONOUR—To permit me Leave To make my excuse to you and the other Gentlemen for my not Coming out of the Tamar manawar to your House the night that you wase so good as to send Mr William Tucker aboard in your Boat with a promis from you and Mr Cannon and Locock That I should be portected in your House and that my Proposals to the Congress should be conuaid By you Gentle to them which you Did not Doubt would Be agreed to: now those porposials ware so good: I Cant Butt with Shame ness of face make my Excuse for not Excepting of Them: the reason wase this which I Hope Mr Tucker acquainted you with it wase Late In the night when he Came a board Captain Thornsbery and Ennis boath ware in the Cabin with me and new of my Goyrn upon Deck and as I Told Mr. Tucker it wase not posable for us to Go of the Ship with out been fired at and Brought to and If I went Down and acquainted them ho he wase and What he Come aboard for they or the Governer Would have him Confine a bourd and as he Came on purpose to Serve me and his cuntrey, I would Chouse to Suffer Before he should on my a Count, and he had nothing from under are Gentlemun Hand to ashore me any purtection I Told him at parting If you Gentleman would Send me any a shoreanc from under Hand I would Com out the first opportunity Butt I Receve none and Sum Days after Captain Thornsbery told me he wase Threaten By you in a letter to Him for Keeping a traator to his Cuntrey abord the Berer of Said Letter Told me you Had the Three young men Ketck that Came to assist me Town and that you had the Six Horses Sold and the money putt In the Hands of the Counsel of Safety: which alarmed me afrish and made me to thinck I had no Chanch But to Compli With the Threats sent me By Mr Tucker If I Did not Com out that night: Which Wase I Should not Be Suffered to Live in any part of America and I have Been Ever Since a striving to Gitt to England to putt my Son to School and wauethes Troubels as I had Determed not to Lift up arms on any Side or Elce I would not Sufferd my House and Plantation to been plunderd Butt my Relations and Best frinds in the Government wase that Side Which made me willing to Suffer wrong and putt up with any Loss then I should Been the Means of Sheding there blood. pray Sir Giue



me Leaue to acquaint your Honour also that whin I Gott a bord of the Tamar I Had not in Cash the value of Two Dollers and the Child and I Butt one Bare Sute of Close apeac I was a blige Boath to Do and Say Sumthing Pleseing to The Deffarent Governors as I had noway to Gitt my pasage Butt By them nor even to Live Whin I gott there with out thire Letters of Recommendation: Butt I am now Thirrely Conuinned it wase Best Bouth for me and the Cause of America that I did not Gitt there for I did use al the Endeavours that wase in my power to Gitt thare Butt the Hand of Providence Did preuail agenst me and hath Conuinned me that it is Duly assisting the American Cause wherefore I would not willingly Be Counted any Long nenemy to it Wherefore: I Humbly Beg the fuivor of you to move to the Counsel of Safety to Haue me Remove from Hear Before them as I may haue the pleshor To haue a hearing Before them as I Cant Butt haue hopes that when thay Com to Be made acquaintd With al my Conduct thay will have pittty on me and Grant me Such Release as they in thire Wisdom shall se Best I am willing to giue al the Security in my power for my Good Behaiour I have Rote to Colonal Thomson and to Mr. Cannon to Be my Security for my Traviling from here on my perrole of Honour to your house at Charles town on my Receiveing asurtificate from you for that porpose I shall send my Little Son to Mr Cannon in the first uessel that fails which will be in a fue Day Time and you may depend on my Trauiling through the Cuntry of Being al the Seruis to to the Cause I Can as I am now Conuince of the Stranth of America So pray Sir fail not In Grantting my Portion and I shal Be in Duty Bound to Eur pray for you:

And am with Dew Respect

may it plese your Honnor

Your Honour mosst obedient

And Verry Humble Ser't

MOSES KIRKLAND.

11th Janury 1776 at the Gael of phiadelphia.

The above is a true copy, taken from the Original Letter written by Moses Kirkland's own hand and sent to Col. Laurens, Charles Town, March 20, 1776.

Certified by

PETER TIMOTHY, *Secretary to the Congress.*

## A RETURN OF THE POWDER IN THE MAGAZINE.

[Original MS.]

CHARLES TOWN, December 4th, 1775.

English made,.....	3,450
Two barrels belonging to the artillery,.....	200
Mr. Tennent's make, (of which 63 bad,).....	225
<hr/>	
Total,.....	3,905

ROB'T. COCHRAN.

N. B. I have not yet received the powder in town.

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CHARLES TOWN, January 4th, 1776.

Received into the magazine in town since the last return, the following powder, viz :

1775.

Dec. 18. Received from Port Royal,.....	2,000
7 barrels containing 100 lbs. in each,.....	700
1 half barrel.....	50
7 kegs containing 25 lbs. in each,.....	175
38 " smaller " 10 " .....	380
18 " " 10 " .....	180
2 " larger " 15 " .....	30
3 " smaller " 5 " .....	15
<hr/>	

Total,..... 3,530

ROB'T. COCHRAN.

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## COARSE OR CANNON.

January, 14th 1776.

14 barrels, 100 lbs. in each,.....	1,400
3 half barrels, 50 " .....	150
7 quarter barrels, 25 " .....	175
8 one-eighth bbls., 12½ " .....	100
6 kegs, 10 " .....	60
<hr/>	

Total,..... 1,885

## FINE.

4 half barrels,	50 lbs. in each,	200
1 quarter barrel,		25
38 kegs,	10 lbs. in each,	380
2 “	6½ “	12½

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Total,..... 617½

Damaged, about..... 100

Mr. Tennent's, about..... 155

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Total,..... 255

Whole amount of powder left in the magazine,.....2,757½

Exclusive of the above quantity, there has been given out this forenoon :

To Col. Roberts' order,..... 700

“ Capt. Scott's “ ..... 500

“ Col. Huger's “ ..... 100

“ Capt. Blake to Capt. Smith,..... 12½

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Total,.....1,312½

JOHN CALVERT.

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MR. HABERSHAM TO MR. DRAYTON.

[Original MS.]

SAVANNAH, Feb. 9th, 1776.

DEAR SIR:—I have drawn an order on you for three hundred and fifty pounds of your currency, in favor of Capt. Brown; the order I mentioned in a former letter to have drawn on you, in favor of Mr. Gray, will not be presented to you, as Mr. Gray returned to Savannah, not being able to proceed to Charles Town by land. I have, by this conveyance, wrote a letter to Capt. Tuft, and which, in case of his absence, I have desired Capt. Brown will deliver into your hands, and beg the favor of you, to open it, and, if in your power, to comply with the request I have made; shall esteem it a very great

favor. We have had a vessel seized by the men-of-war; that is not the worst, but by this seizure we have lost 5,000 lbs. gunpowder which was coming into this Province. I submit it to you, how far it would be prudent to keep a fast sailing vessel over your bar to speak any vessels that may be off, and inform them that our ports are full of ships-of-war, and that their proceeding to the southward, will be attended with the greatest danger. I give you this hint, as many vessels who knew that the men-of-war were in your port, will be pushing to the southward, and thereby fall a prey to these d——d ships.

Excuse this scrawl, as I am in great haste, and believe me,

Dear sir,

Your most obedient servant,

JOS. HABERSHAM.

MR. HABERSHAM TO MR. DRAYTON.

[Original MS.]

*To the Honorable William Henry Drayton :*

DEAR SIR:—I have your favor of the 23rd ult., and have now the pleasure to inform you that Sherman has met with pretty good success in recruiting for the “Prosper,”—the greatest difficulty is how to get the sailors conveyed to Charlestown. I have procured the Scout Boat to go with them as far as Purisburgh and have wrote to Major Bourquin at that place to forward them on; Sherman and Will’s expences have been very considerable; however, when you consider that they have entertained fifty men for upwards of a month at a public house, and that £40 of the money was advanced for four of the men, it cannot far exceed your expectations. The tavern keeper has charged very high. I made him attest his accounts. Previous to which he had the modesty to strike off £5 from one of the accounts. Upon the whole, I think it is lucky that so many have enlisted, more especially as the ships were in such great want of men.

The particular accounts are as under, viz :

To Cash advanced Captain Will as per receipt,.....	£12 00 00
To Cash advanced Captain Sherman at several times as per receipt,.....	33 00 00
Amount, .....	£42 00 00

Amount brought forward,.....	£42 00 00
To Levi Sheftal, Butcher's bill, .....	12 15 7½
To Adrian Loyer, for five guns for the sailors,.....	6 5 00
To John Bowles, tavern-keeper, (bills attested,).....	101 19 3
To Capt. Manson for four indented servants enlisted by Will, the indentures shall be procured and sent up as soon as Captain Manson comes to town,.....	40 00 00
Total,.....	£205 19 10½

Enclosed you have copies of the above accounts. Exclusive of these, Sherman tells me has had about £40 of Mordecai Sheftal, and for which I suppose he will draw on you.

I have this day drawn an order on you in favor of the Honorable Arch'd. Bulloch, Esq., for one hundred and fifty pounds your currency.

I am sorry to inform you that we are at present a little unhappy in our C——ss, owing to the ambitious views of some of our leading people. I think this Province is remarkable for a number of parties, and I am afraid we shall find it too true that a house divided against itself can never stand—this is *entré nous*. Our Battalion is to be raised—the field officers are Lach. McIntosh, Sam'l. Elbert and your humble servant. The Captains and subaltern officers are by no means the men we would wish; however, as Gwinnet who was chosen Colonel gave up the command, we were obliged to compromise—some of our domestics went on board the men-of-war; however, Thornbrough, sent up and informed us we might have them again on sending for them, this I believe proceeds from their want of provisions, as I am told those they brought from your Province are in a starving condition on Tybee and Coxspur, and upon the whole they appear to be heartily tired of their Company. I am, sir, your most obedient servant,

JOS. HABERSHAM.

P. S.—Sherman tells me he has twenty-five or twenty-six men to carry round.

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#### RECRUITING ARTICLES OF THE SHIP PROSPER, COMMANDED BY WILLIAM HENRY DRAYTON.

[From the Original Articles.]

#### SOUTH CAROLINA.

We who have hereunto voluntarily subscribed our names, do hereby, severally and respectively, each for himself, engage, agree, and swear to



be true to the Associated American Colonies in general, and to the people of South Carolina in particular, and to serve them honestly and faithfully, in defence of their just rights and liberties, on board the Prosper ship-of-war, of South Carolina aforesaid, and to observe and obey all the orders of the Provincial Congress, or Council of Safety, for the time being, and the orders of the officers set over us, by them, or either of them, or public authority thence derived, for and in consideration of the following monthly wages opposite our respective names—that is to say:

Men's Names.	Wages.	Stations.	When Shipped.
James Spencer,.....	.....	Seaman Prom. Gunner's Mate.	Dec. 21, 1775.
Rob't. Mungomery, £21.	£21.	Seaman,.....	Dec. 19, 1775.
John Swan,.....	£21.	Seaman,.....	Dec. 21, 1775.
Felix Maginniss,...	£21.	Seaman,.....	Dec. 23, 1775.
John Laws,.....	£21.	Seaman,.....	Dec. 23, 1775.
Chas. Hamilton,...	£21.	Seaman,.....	Dec. 23, 1775.
Will'm. Short,.....	£21.	Seaman,.....	Dec. 23, 1775.
Thos. Bradley,.....	£21.	Seaman,.....	Dec. 23, 1775.
Benj. Hudson,.....	£21.	Seaman,.....	Dec. 25, 1775.
Will'm. Jenkins,....	.....	Carpenter's Mate,.....	Dec. 23, 1775.

## FORM OF ENLISTMENT.

## SOUTH CAROLINA.

*Know all men,* That I have entered, and I do hereby certify that I have voluntarily entered into the navy of the Colony aforesaid, on board the ship Prosper; and I do hereby engage to be true and faithful in the said service, until I shall be discharged by public authority; and also to be bound by, and to obey, all and every rule, resolve, order, and regulation made, or to be made, by the Congress or the Council of Safety, or the naval officers under their authority. And I do hereby acknowledge the receipt of

Witness my hand this

MR. LAURENS TO COL. DRAYTON.

[Original MS.]

CHARLES TOWN, Feb. 26th, 1776

*To Honorable Col. Drayton.*

SIR:—As you intimated that you could conveniently assist the smaller armed vessels, with forty good men from on board the ship Prosper;

and as we judge it to be very necessary for the public service immediately to equip these vessels for cruising on the coast, we desire you will order thirty such men on board the brig Comet, to obey the orders of Capt. Turpin and his officers; and ten on board the schooner Defence, to obey the orders of Capt. Tuft and his officers.

By order of the Council of Safety.

HENRY LAURENS, *President*.

A GENERAL RETURN OF THE DIFFERENT DETACHMENTS AT PURYSBURGH, MARCH 10TH, 1776.

[Original MS.]

Names of Companies.	Captains.	Lieutenants.	Surgeons.	Sergeants.	Corporals.	Drums.	Privates.
Charles Town Volunteers,.....	1	3	1	4	1	1	33
Charles Town Rangers,.....	1	2		2	3	3	29
Charles Town Light Infantry,.....		2	1	2	2	3	14
Charles Town Fusiliers,.....		2		2		2	25
Beaufort Light Infantry,.....	1	1		2	2	1	16
St. Helena Volunteers,.....	1	1		2	1	2	30
Euhaw Volunteers,.....	1	1		2	1	1	31
Huspa Volunteers,.....	1	2		2		1	17
Light Horse, including Officers,.....	1	1	1				27
Total,.....	7	15	3	18	10	14	222
On duty at Savannah, under Maj. Bourquin,.....							113
On duty at Ebenezer, guarding powder and the records of Georgia,...							40
Privates,.....							375
Officers, Sergeants, &c.,.....							67
Total, on duty in the service of Georgia,.....							442

SIR:—Above is a statement of the troops under my command in the service of Georgia, the light horse have already taken part in that Province, where I purpose landing, by recommendation of Col. McIntosh. I should have embarked sooner, but the different detachments dropped in so irregularly, particularly the Fusiliers and Light Infantry, who only arrived at two o'clock this afternoon, and then too much

fatigued to proceed, but shall embrace to-morrow morning early on board of a sufficient number of proper boats that I had provided, and mounted swivel guns on them. By the latest accounts Savannah is safe and no troops landed.

Inclosed is a copy of my orders, to which I refer you. On my arrival at Savannah I shall write you fully ; in the interim

I have the honor to be, sir,

Your most obedient, humble servant,

STEPH'N. BULL.

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#### GENERAL ORDERS BY COL. STEPHEN BULL.

[Original MS.]

PURRYSBURGH, March 9, 1776.

Order, The Troops are to embark this day in different boats now at the landing, on board of which the commanding officers of each detachment are to have their baggage put.

Order, The detachments are to take post in the line of march as follows: the Charlestown Light Infantry to take the right; the Charlestown Volunteers on their left; the Charlestown Fusiliers on their left; and the Charlestown rangers on their left. The Beaufort Light Infantry take post on the left of the line; the St. Helena Company on their right; the Huspa Volunteers on the right, and Euhaw Volunteers on their right; the officers of line not to take post according to seniority, but to act and command their own detachments.

Order, The officers and men of the Charlestown Light Infantry with Sergeant Black, and the Beaufort Artillery men or matrosses to embark in the decked armed boat as an advanced guard to the line, who are to keep about one hundred and fifty yards before the line, and then the line follows.

Order, That a Sergeant and thirteen men of the Euhaw Volunteers form the rear guard, and follow in the rear of the line.

Order, The guns of the advanced and rear guards are to be loaded before embarkation with running ball; the swivel guns on board the boats to be loaded and charged with cannister or grape shot. The lint-stocks, wads, and every thing necessary to be on board.

Order, That an officer of each detachment before embarkation do examine and see that the cartridges are not too deep in the boxes, but that the caps may be so far out, as to be readily taken out, in time

of action. Should the cartouch boxes be too deep for the cartridges, then in that case let there be a wad of moss put to the bottom of each so as to raise them to a proper height ; the officers to see that the cartridges are so fitted that they will readily go down the barrels of the guns even after many firings.

Order, That the officers do instruct their men how properly to charge with cartridge ; that is after uncapping, to let the whole of the powder, run down the barrel, before they ram down the paper and ball ; for by neglecting this and ramming before the powder is out, the paper is apt to stop the touch holes and prevent firing.

Order, That the officers do examine the guns of the line, and that none be loaded but upon apprehension of an attack, and then the first charge be with running ball, for which purpose each man should be provided with moss wadding in his pocket.

Order, That when the line is disembarked and landed in Georgia, the whole line is to form two deep, the right of the line to march foremost with the advanced guard, about one hundred and fifty yards a head ; the light horse before them about a quarter of a mile, who are to examine every thicket, suspicious place or swamp near the road, where an ambuscade or armed force may lay concealed—as soon as they discover such suspicious place, the commanding officer of the light horse is to send a non-commissioned officer or intelligent private to give information to the commanding officer of the line, which is to halt ; when the commanding officer of the light horse has examined and finds there is no enemy in the place suspected, he is to make a report accordingly, upon which the line will march.

Order, That if the advanced guards are attacked they are by no means to retreat, but at all hazards maintain their ground as they may depend on being supported by the line.

Order, The detachments to be told off in platoons in proportion to the number of officers and men.

Order, That no soldier do fire his gun without orders from an officer ; no soldier to quit his rank or platoon without leave of an officer.

Order, That a roster be kept of the officers and men, that each officer and private may take the tour of their different duties.

Order, That Sergeant Black do distribute the cartridges and shot in the different boats that have swivels, in proportion to the number and size of the swivels, and that the eighteen pound shot, spare powder and lead, be properly stowed in the boat, in which the rear of the line do embark, of which the commanding officer of the Beaufort Light Infantry is to take charge.

Order, All orders delivered by Capt. Doharty are to be obeyed, he being one appointed by Col. Bull, for that purpose.

Order, That a Sergeant and six men do march as a flanking party on the right, and another Sergeant and six men on the left, to march at one hundred yards distance from the line in Indian file, each man to be about fifty yards distance from each other, and should they discover any enemy they are to fire on them, and to retreat to the line, and give notice that the line may face towards the enemy, and not be attacked to disadvantage. The two Sergeants and their men to be relieved every half hour alternately, by those detachments who have not any men on duty in the advanced and rear guards.

A true copy from the Col.'s Order Book.

THOS. RUTLEDGE, *Adjutant.*

#### AFTER ORDERS.

Order, The troops, for sufficient reasons, do not embark this day, but Capt. John Huger of the Volunteers, Lieutenant Fenwicke of the Rangers, and Capt. John Jenkins of the St. Helena Volunteers, do order their drums to beat and muster their men on the parade joining the Church; from thence march them to the landing where the Pettiaugers are; there to embark as many men as they will conveniently hold, in order to judge of the number of boats that will be necessary.

Order, That the General do beat by dawn of day to-morrow—the baggage stowed, and the tents left standing till breakfast is over, and two only to be carried to shelter the guards that be at any out-post.

A true copy from the Colonel's Order Book.

THOS. RUTLEDGE, *Adjutant.*

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#### COL. BULL TO MR. LAURENS.

[Original MS.]

HEAD QUARTERS, SAVANNAH, March 12, 1776.

*To Col. Henry Laurens, Esq., President of the Council of Safety in Charlestown:*

SIR:—I wrote you a letter on Saturday last from Purrysburgh, wherein I informed you I should embark for this place next morning at eight o'clock, which I did with the whole of my command, the two last detachments of Light Infantry and Fusileers did not arrive till two



o'clock, Saturday afternoon, and then so fatigued that I judged it best to halt till next morning.

I landed at Mr. Kincaid's plantation on Savannah river, about nine miles from hence, and marched in in the evening, where I found all quiet. Their fleet was lessened by four rich vessels belonging to the tory party, being burnt by the other inhabitants; they were opposed by the King's troops, who as soon as fired on quitted their ground and scampered across Hutchinson's Island in so great disorder as to leave two field pieces which was not known till after they were carried off by Mr. John Graham's negroes, employed for that purpose, the King's troops not caring to venture back for them, since which the Cherokee and a transport have worked up the Back river, and several loaded vessels, whose Captains inclined to sail, obtained assistance, and "by throwing over board about two thousand pounds of Rice," did get down, and are, if they have not sailed, at Cockspur; this circumstance happened the day the Volunteers left Charlestown. Yesterday I had a conference with the Council of Safety, but came to no determination but that I should mount guard in the town and hamlets adjacent, and began the duty yesterday with the Beaufort Light Infantry and the Huspa Volunteers, who were relieved this morning by the Charleston Volunteers.

I have just been waited on by one of the Council of Safety, acquainting me they were to set this forenoon; they yesterday told me they had sent an express for Col. McIntosh, who will probably be here to-morrow, and on conferring with him, if any thing material occurs shall immediately send an Express to you.

The following is a list of the vessels which are at present in the Harbor :  
Two ships—Unity, Wardell, about 700 lbs. Rice.

Georgia Packet, Inglis, 500 lbs. Rice.

Five brigs—Amity, Ash, Live Oak.

Rebecca Rutherford, with Lumber.

Yorick, Steel, Ballast.

Beaufort, Wood, Ballast.

Fair Lady, Robertson, 30 hhds. Tobacco.

Schooner—Race Horse, Buret, Ballast,

and two Sloops; one very stout, and has already twelve port holes.

When I meet the Council of Safety I shall press the matter of stripping the vessels in port; in the meantime my guards have an eye on them. I am so quartered with a parade before the doors that I can in a few minutes turn out the troops and form them between the front of the bay and the shipping, either to attack or defend, as the service may require.

Nine of Mr. Arthur Middleton's negroes, and some others, the whole in number about twenty-five, have gone on board the man-of-war.

There are in this town at present one hundred Creek and Euchee Indians, about seventy men, who are now employed in the service of the Province, the rest women and children.

America has here many hearty, spirited friends, but there are a great many Tories, which in my opinion renders it necessary that at least two hundred militia should continue quartered here, which may be collected from the Southern Regiments, in our Province, until the Continental Regiment have enlisted that number; at present they have but fifty.

Our troops are all in good health, and fare very well.

I have the honor to be, sir,

your most humble servt.,

STEPH'N. BULL.

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COL. BULL TO MR. LAURENS.

[Original MS.]

HEAD QUARTERS SAVANNAH, March 13, 1776.

*To Col. Henry Laurens, President of the Council of Safety in Charles Town.*

SIR:—I wrote you yesterday, by Col. Wells, two letters, one of which contained an Indian talk. Some of the head men knowing who I am, were glad to see me, and conversed with me on the present unhappy dispute. I met them at Mr. Jonathan Bryan's, attended by one Gray, a favorite linguist of theirs. They made great profession of friendship for the people of Carolina, took me by the hand and wished that they and the Carolinians might always hold fast to each other, and so forth. I believe them sincere in their profession, and doubt not a very good use may be made of them, if properly attended to.

In my last I mentioned to you, that nine of Mr. Arthur Middleton's negroes were gone on board the man-of-war, but am sorry to acquaint you, that I am well informed between forty and fifty of his have really deserted, and above one hundred and fifty more, the property of others, who are now on Tybee Island.

There was a full board at the Council of Safety this day, where I attended, and pressed the matter touching the shipping and cargoes now in the harbor, and wished that they, themselves, would do the needful, as it was in their own Province. I told them if they were apprehen-

sive of being opposed by the tory or any other party, I would, with the men under my command, support them. They are divided in their opinions how to dispose of them; some for sending them up the river, others for keeping them where they are, and depriving them of their sails. However, you may rest assured I shall not leave this Province until I see this matter adjusted to my satisfaction, of which I have not now the least doubt from the present disposition of some of the Council of Safety, though I have been told that my coming here, with the command I brought with me, has done the cause great service.

It is absolutely necessary to stop the correspondence carried on between the tories in the two Provinces. This you will receive by a negro belonging to Mr. Deas's estate, hired by Mr. Alex. Inglis to Philip Wills, to ride post in the Continental service; and as few would suspect that the Continental riders would carry tory letters, it will be a safe conveyance; and as it is highly probable such may be in the mail, or secreted in the fellow's own pockets, I shall, for your guide, furnish you with a list of such letters as he may have in charge, that you may have it in your power to demand a sight of such as you may think necessary, from the persons to whom directed; the bearer is to call at Joseph Town, where, it is highly probable, he may receive dispatches from Mr. John Graham and Mr. John Inglis, who, it is well known, are disaffected, and, it is said here, they are frequently on board the men-of-war. Certain it is, the former has been there within these few days.

I have the honor to be, sir,

Your most obedient servant,

STEPH'N. BULL.

P. S. Mr. Wills tells me that he has sealed up all the letters, and directed them to your Deputy Secretary, Mr. Bouneatheau.

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COL. BULL TO MR. LAURENS.

[Original MS.]

*To Col. Henry Laurens, President of the Council of Safety in Charles Town.*

HEAD QUARTERS SAVANNAH, March 14th, 1776.

SIR:—I last night wrote you a letter, which you will receive by this same opportunity. I had forgotten to acquaint you, in the letter I wrote by Col. Wills, that the troops that are here are two hundred, who were

brought from St. Augustine, in the man-of-war schooner St. John, and when she came from thence left two hundred more there; and yesterday I was informed, by the Council of Safety, that a Capt. Carney in the Continental battalion here, has enlisted forty-eight out of those two hundred, and now has them at his plantation, about fifty miles from this place; and the men enlisted say all the rest would gladly desert, but they are afraid to trust each other. If this comes to be known at Cockspur, I imagine, they will decline making another attempt to take post at this town, as they were made to believe they would not meet any opposition here. But as they are now fully convinced that their friends and our enemies were mistaken, perhaps they may return to St. Augustine to secure that post, lest more of their men should desert, though some more troops are still expected there.

It is said, and generally credited, that a gentleman in this Province has received a letter from Mr. Forbes, a clergyman at St. Augustine, who just received one from a brother of his (of a very late date), informing him that a French and Spanish fleet, and upwards of twenty thousand troops had laid siege to Port Royal, in Jamaica; the fleet cannonaded the fortifications eight-and-forty hours before the town surrendered. A vessel arrived at Sunbury, from the Indies, bringing the same accounts; if true, then, our business is done, and we shall soon have peace.

This in my own hand. If the Congress is still setting, no doubt my letters will be read in Congress, if so, I hope the Council will think as I do; that is, *not* to have this last paragraph read to so large a number of people, but to be known only to the Council, for no one does, at least ought not to know, anything of the following matter, but the members of the Council of Safety of this Province and myself. The matter is this: It is far better for the public and the owners, if the deserted negroes on Tybee Island, who are on Tybee Island, be shot, if they cannot be taken, if the public is obliged to pay for them; for if they are carried away, and converted into money, which is the sinew of war, it will only enable an enemy to fight us with our own money or property.

Therefore, all who cannot be taken, had better be shot by the Creek Indians, as it, perhaps, may deter other negroes from deserting, and will establish a hatred or aversion between the Indians and negroes. Some of the Council of Safety are timid, particularly one Mr. Andrews, from St. John's Parish, Sunbury, who has influence, and through whose means Gov. Wright has been enabled to carry on his plans of late. There are a few others in the same way, but, notwithstanding that, you may

depend the business shall be done agreeably to the orders of Congress; but it will be best the Council of Safety here should give the orders, at least, if they have not men of their own to do the business. I am told my coming here, with my command and orders from our Congress, had great good effect.

I have just this moment had proper and certain assurance, that a good leader and party of the Creek Indians are willing and desirous of going to take the runaway negroes upon Tybee Island, if I choose it; but as I have no authority from you to send the Indians on such an errand, I must decline it, but still think the Council of Safety will do it. The two of that board, who I a few minutes ago had a private interview with, seem to doubt whether they will have a majority from it. But it must be kept a profound secret, lest the negroes should move off, or they should ask for arms, and so lay an ambuscade for the Indians. I have something farther to say on this subject, but defer it until I come to Charles Town.

I have the honor to be, sir,

Your most obedient servant,

STEPH'N. BULL.

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COL. BULL TO COL. LAURENS.

[Original MS.]

HEAD QUARTERS, SAVANNAH, March 15, 1776.

*To Col. Henry Laurens, President of the Council of Safety in Charlestown :*

SIR :—I wrote you yesterday by the post, in which I told you I should be able to get the matter of the ships settled to my satisfaction, and not many hours after my letter was gone, the Council of Safety sent an order directed to me, as Commander-in-Chief in this Province, desiring I would immediately have the vessels unrigged and their rudders unhung, a work I was determined to do ere I left this place, agreeably to the orders given me by the Congress in Charlestown; but as our Congress depended in some measure on my conducting matters properly, I had before given it as my opinion in the Council of Safety that it would have a much greater appearance of unanimity in the Colonies, and that Georgia was not so backward as was heretofore suspected, if they would make it an act of their own, and as the tories had yesterday said the Carolinians had taken possession of Savannah, and meant never



to give it up again, I thought it would bear that complexion, and it struck the Council of Safety in the same light, on which they resolved that Lieut. Col. Stirk, with a party of about forty men of their own militia should do the work, only requesting that I would be ready to support them, if necessary, and I accordingly had a sufficient number of men for that purpose, having now under my command four hundred and forty-two, who would have turned out at a minutes' warning; yet I did not suffer any of my men to appear with arms or seemingly to know any thing of the matter, but ordered them to keep close to their quarters, which were but a few yards distance from the shipping; however, I have the pleasure of acquainting you, there was no opposition, but an application was made to spare the unhanging of the rudder of the ship *Georgia Planter*, Inglis, alledging it was so lashed under water that it could not be done. Major Joseph Habersham also applied to have the rudder of his vessel spared, and would have given surety for her not departing the Province, on which the President of the Council of Safety waited on me and mentioned both circumstances; to the first I replied the rudder might be very soon rendered useless by the help of an axe, cutting it off near the water; as to Mr. Habersham's vessel I thought they could not with any degree of propriety grant his request, as it would wear the highest appearance of partiality, and would be absolutely repugnant to their own resolution which was without exception an order for which I was then possessed of; however, the officer and men came down, and I sent Messrs. Black and Laurens, two ship carpenters, first making them put off their uniform and get common clothing, and mixed with the people to see that the work was properly executed. They are now at work, several vessels are unrigged and the rudders unhung, and by to-morrow night shall have finished the rest I hope.

A packet arrived from England two days ago at Cockspur, after a short passage and all the letters that they did not suspect came to friends of liberty were allowed to be brought up by Mr. Thomas Young (a half tory as he is usually denominated) as also an Act of Parliament repealing the Boston Port Bill and an Act to include New York, North Carolina and Georgia, in the restraining Bill, also the King's Proclamation, dated 22d December last, declaring that all vessels cleared out after the 1st January last, and taken by any of the King's ships shall be deemed lawful prizes and is so particular as to point out the shares from the Admiral to the swabber.

I have seen a letter from a capital merchant in London to Mr. George Houston of this town, inclosing a contract which he had made with the contractors of the Victualling Office, to supply all his Majesty's

ships that may be stationed or rendezvous here, and that he should also supply the agents of the Northern department with such provisions as could be purchased cheaper here than there, and from the tenor of the letter, apprehend a number of men-of-war may be expected; for further particulars, I refer you to the Council of Safety, who will send you copies of all the letters of any consequence together with the Act of Parliament and Proclamation.

I shall return home as soon as I have completed the business sent on, if nothing material occurs.

I herewith inclose you two papers of intelligence and a general return.

I have the honor to be, sir, your most obedient servt.,

STEPH'N. BULL.

COL. THOMSON TO CAPT. GOODWIN.

[Original MS.]

MARCH 17, 1776.

*To Capt. Robert Goodwin, Congarees.*

DEAR SIR:—I expect to see you at Nelson's Ferry by Friday next, or Saturday at farthest, with your old Company and all your new recruits. If you will call on me Thursday or Friday, I will go to Nelson's Ferry. Please to order Lieut. Liles to recruit men for Capt. Donalson, as he is in his Company. I hope your Company will be full very soon.

I am, dear sir, your humble sert.,

WM. THOMSON.

MR. LAURENS TO MR. DRAYTON.

[Original MS.]

CHARLESTON, March 21, 1776.

*The Hon. Mr. Drayton:*

DEAR SIR:—Inclosed you will find Col. Gadsden's orders for eighteen men to be put on board the armed schooner "Peggy," of which Lieut. Sherman is to be the commander; the mate of the schooner has consented to go, which I am glad of, as he is acquainted with the vessel and every thing about her.

I am of opinion that two of your four pounders which may be hoisted in, in an instant, will be of great service, and although there are no ring-bolts in the schooner, the seamen will soon make a contrivance for fixing and working the guns, sufficient for the intended short service.

Your Lieutenants will be deliberate in taking every necessary article on board; dispatch is absolutely necessary; she must be at or over the bar by day-light. You will give the necessary orders; and I would for the encouragement of the men, besides the value of the prize, promise £35, per man, for every prisoner taken, and the like sum for every man killed of the enemy.

I am, dear sir, your obedient humble servt.,

HENRY LAURENS.

A GENERAL RETURN OF THE DIFFERENT DETACHMENTS ON DUTY  
AT SAVANNAH IN GEORGIA, UNDER THE COMMAND OF COLONEL  
STEPHEN BULL.

[Original MS.]

HEAD QUARTERS SAVANNAH, March 15th, 1776.

Names of Companies.	Major.....	Captains.....	Lieutenants.....	Surgeon, Qt. Master & Adjutant.	Sergeant's Majors.	Sergeants.....	Corporals.....	Drums and Fifes.	Privates.....
Charles Town Volunteers.....		1	3	1		4	1	1	37
Charles Town Rangers.....		1	2			2	3	3	29
Charles Town Light Infantry.....			2	1		2	2	3	14
Charles Town Fusiliers.....			2			2		2	25
<i>Granville County Regiment.</i>		2	9	2		10	6	9	105
Beaufort Light Infantry.....		1	1			2	2	1	16
St. Helena Volunteers.....		1	2			2	2	2	31
Euhaw Volunteers.....		1	1			2	1	1	31
Huspa Volunteers.....		1	2			2		1	17
Light Horse, or Pocotalligo hunters,		1	1	1		2			16
Oakety Creek Detachment.....						3		1	9
St. Peter's.....	1		2		1	1			22
Black Swamp.....		1				2			23
Pipe Creek.....		1				2			32
Boggy Gut.....			1			2			20
New Windsor.....		1	1			2		1	24
Upper Three Runs.....		1							8
Beaufort Artillery.....					1				7
Total.....	1	9	11	1	2	22	5	7	256

A true Return.

THOS. RUTLEDGE, *Adjutant.*

## COL. BULL TO MR. LAURENS.

[Original MS.]

SHELDEN, March 26, 1776.

*To Henry Laurens, Esq., President of the Council of Safety in Charleston :*

SIR :—About midway between Savannah and Purrysburg, I received your favor and the five hundred pounds sterling by Gruber; I dismantled all the vessels in Georgia, before I left that Province, and have returned safe home with my command.

I purpose being in Charlestown to-morrow night, and will the next day acquaint the Congress or Council of Safety in what manner I have executed their order. Could I have heard from you but twelve hours sooner, I should not have left Savannah as soon as I have done, as there is one piece of service which I wanted to have put into execution, which I did not think myself properly authorised to do.

I have the honor to be, sir,

your most humble servt.,

STEPH'N. BULL.

P. S.—I have supplied Gruber with five pounds of the public money.

## THE PRESIDENT'S SPEECH TO BOTH HOUSES, APRIL, 11, 1776.

[From the MS. in the State Department.]

April 11, 1776.

*Honorable Gentlemen of the Legislative Council,*

*Mr. Speaker and Gentlemen of the General Assembly :*

It has afforded me much satisfaction to observe, that, though the season of the year rendered your setting very inconvenient, your private concerns, which must have suffered greatly by your long and close application in the late Congress to the affairs of this Colony, requiring your presence in the country, yet, continuing to prefer the public weal to ease and retirement, you have been busily engaged, in framing such laws, as our peculiar circumstances rendered absolutely necessary to be passed, before your adjournment. Having given my assent to them, I presume you are now desirous of a recess.

On my part, a most solemn oath has been taken, for the faithful discharge of my duty. On yours, a solemn assurance has been given, to support me therein—thus a public compact between us stands recorded. You may rest assured, that I shall keep this oath ever in mind; the Constitution shall be the invariable rule of my conduct; my ears shall be always open, to the complaints of the injured; justice, in mercy, shall neither be denied, or delayed; our laws and religion, and the liberties of America, shall be maintained and defended to the utmost of my power. I repose the most perfect confidence in your engagement.

And now, gentlemen, let me entreat that you will, in your several parishes and districts, use your influence and authority, to keep peace and good order, and procure strict observance of, and ready obedience to the law.

If any persons therein, are still strangers to the nature and merits of the dispute between Great Britain and the Colonies, you will explain it to them fully, and teach them, if they are so unfortunate as not to know their inherent rights. Prove to them, that the privileges of being tried by a jury of the vicinage, acquainted with the parties and witnesses, of being taxed, only with their own consent, given by their representatives, freely chosen by, and sharing the burthen, equally with themselves, not for the aggrandizing a rapacious minister, and his dependant favorites, and for corrupting the people, and subverting their liberties, but for such wise and salutary purposes, as they themselves, and of having their internal polity regulated, only by laws, consented to by competent judges of what is best adapted to their situation and circumstances, equally bound too by those laws, are *inestimable*, and derived from that Constitution, which is the birthright of the poorest man, and the inheritance of the most wealthy. Relate to them, the various unjust, and cruel statutes, which the British Parliament, claiming a right to make laws for binding the Colonies in all cases whatsoever, have enacted, and the many sanguinary measures which have been, and are, daily pursued, and threatens to wrest from them, these invaluable benefits, and to enforce such an unlimited and destructive claim. To the most illiterate it must appear, that no power on earth can, of right, deprive them of the hardly-earned fruits of their honest industry, toil and labor. Even to them, the impious attempt to prevent many thousands from using the means of subsistence provided for man, by the bounty of his Creator, and to compel them, by famine, to surrender their rights, will seem to call for Divine vengeance. The endeavors, by deceit and bribery, to engage barbarous nations, to embrace



their hands in the innocent blood of helpless women and children, and the attempts, by fair but false promises, to make ignorant domestics subservient to the most wicked purpose, are acts, at which humanity must revolt.

Show your constituents, then, the indispensable necessity, which there was for establishing some mode of government in this Colony, the benefits of that which a full and free representation has established, and that the consent of the people is the origin, and their happiness the end of government. Remove the apprehensions with which honest and well meaning, but weak and credulous minds, may be alarmed, and prevent ill impressions by artful and designing enemies. Let it be known, that this Constitution is but temporary,—till an accommodation of the unhappy differences between Great Britain and America can be obtained, and that such an event is still desired, by men who yet remember former friendships and intimate connections, though for defending their persons and properties, they are stigmatised and treated as rebels.

Truth, being known, will prevail over artificial misrepresentation—conviction must follow its discovery. In such case, no man, who is worthy of life, liberty or property, will, or can refuse to join with you, in defending them, to the last extremity. Disdaining every sordid view, and the mean, paltry considerations of private interest and present emolument, when placed in competition with the liberties of millions, and seeing that there is no alternative, but absolute unconditional submission, and the most abject slavery, or, a defence becoming men born to freedom, he will not hesitate about the choice. Although superior force may, by the permission of Heaven, lay waste our town and ravage our country, it can never eradicate, from the breasts of freemen, those principles which are ingrafted in their very nature; such men will do their duty, neither knowing or regarding consequences; but, submitting them with humble confidence to the omniscient and omnipotent Arbiter and Director of the fate of Empires, and trusting that his Almighty arm, which has been so signally stretched out for our defence, will deliver them in a righteous cause.

The eyes of Europe, nay, of the whole world, are on America. The eyes of every other Colony are on this—a Colony, whose reputation for generosity and magnanimity is universally acknowledged. I trust, therefore, it will not be diminished by our future conduct, that there will be no civil discord here, and that the only strife amongst brethren will be, who shall do most to serve, and to save, an oppressed and injured country.

J. RUTLEDGE.

## COL. LAURENS TO HON. MR. DRAYTON.

[Original MS.]

ANSONBURGH, April 26, 1776.

*To the Honorable William Henry Drayton, Esquire:*

DEAR SIR:—I return the paper you obligingly sent for my perusal. I have read it with satisfaction and pleasure, halting no where but at a little inaccuracy marked on the margin of the last page of the 4th sheet, and at the history of Slitting Mills, which possibly upon retrospection you may in some phrases vary. The public are indebted to you. I acknowledge this as one of them with gratitude. I have not detained your servant a moment beyond the necessary time for reading the charge, and for subscribing myself, dear sir,

Your most obedient servt.,

HENRY LAURENS.

## MR. PRESIDENT RUTLEDGE TO MR. CHIEF JUSTICE DRAYTON.

[Original MS.]

WEDNESDAY MORNING.

*To the Honorable the Chief Justice:*

The President presents his compliments to the Chief Justice, and will be obliged to him, for a sight of his charge to the Grand Jury.

## COURT OF SESSIONS.

[Printed Circular.]

At an adjournment of the Court of General Sessions of the Peace, Oyer and Terminer, Assize and general Gaol Delivery, held at Charles Town, for the District of Charlestown, on Tuesday the 23d day of April, 1776. Before the Honorable William Henry Drayton, Esq., Chief Justice, and his Associate Justices of the Colony of South Carolina.

On motion of Mr. Attorney General, Ordered that the charge of his

Honor the Chief Justice, delivered to the Grand Jury be published, together with their Presentments.

By order of the Court.

JOHN COLCOCK, C. C. S.

May 2d, 1776.

THE CHARGE TO THE GRAND JURY.

*Gentlemen of the Grand Jury:*

When by evil machinations tending to nothing less than absolute tyranny, trials by jury have been discontinued; and juries in discharge of their duty have assembled, and as soon as met silently and arbitrarily dismissed without being impannelled, whereby in contempt of magna charta, justice has been delayed and denied: It cannot but afford to every good citizen, the most sincere satisfaction, once more to see juries, as they now are, legally impannelled, to the end that the laws may be duly administered. I do most heartily congratulate you upon so important an event.

In this Court, where silence has but too long presided, with a direct purpose to loosen the bands of government, that this country might be involved in anarchy and confusion; you are now met to regulate your verdicts, under a new Constitution of Government, independent of royal authority—a Constitution which arose according to the great law of nature and of nations; and which was established in the late Congress on the 26th day of March last—a day that will be ever memorable in this country—a month, remarkable in our history, for having given birth to the original Constitution of our Government, in the year 1669; for being the era of the American calamities by the stamp act, in the year 1765; for being the date of the repeal of that act in the following year; and for the conclusion of the famous siege of Boston, when the American arms compelled General Howe, a General of the first reputation in the British service, with the largest, best disciplined, and best provided army in that service, supported by a formidable fleet, so precipitately to abandon the most impregnable fortifications in America, as that he left behind him a great part of the bedding, military stores, and cannon of the army. And for so many important events, is the month of March remarkable in our annals. But I proceed to lay before you, the principal causes leading to the late Revolution of our Government—the law upon the point—and the benefits resulting from that happy and necessary establishment. The importance of the transaction deserves such a state—the occasion demands—and our future welfare requires it: To do this may take up some little time; but the subject is of the

highest moment, and worthy of your particular attention. I will, therefore, confine my discourse to that great point; and after charging you to attend to the due observance of the jury law, and the patrol and negro acts, forbearing to mention the other common duties of a grand jury, I will expound to you, the Constitution of your country.

The House of Brunswick was yet scarcely settled in the British throne, to which it had been called by a free people, when, in the year 1719, our ancestors in this country, finding that the government of the Lords proprietors operated to their ruin, exercised the rights transmitted to them by their forefathers of England; and casting off the proprietary authority, called upon the House of Brunswick to rule over them—a house elevated to royal dominion, for no other purpose than to preserve to a people, their unalienable rights. The king accepted the invitation; and thereby indisputably admitted the legality of that Revolution. And in so doing, by his own act, he vested in those our forefathers, and in us their posterity, a clear right to effect another Revolution, if ever the government of the House of Brunswick should operate to the ruin of the people. So the excellent Roman Emperor Trajan, delivered a sword to Saburanus his Captain of the Prætorian Guard, with this admired sentence: “Receive this sword, and use it to defend me if I govern well, but, against me if I behave ill.”

With joyful acclamations, our ancestors by act of Assembly passed on the 18th day of August, 1721, recognized the British monarch. The virtues of the second George are still revered among us—he was the father of his people. And it was with extacy we saw his grandson, George the Third mount the throne, possessed of the hearts of his subjects.

But alas! Almost with the commencement of his reign, his subjects felt causes to complain of government. The reign advanced—the grievances became more numerous and intolerable—the complaints more general and loud—the whole Empire resounded with the cries of injured subjects! At length, grievances being unredressed and ever increasing; all patience being borne down; all hope destroyed; all confidence in royal government blasted!—Behold! the Empire is rent from pole to pole!—perhaps to continue asunder forever!

The catalogue of our oppressions, continental and local, is enormous. Of such oppressions, I will mention only some of the most weighty.

Under color of law, the king and parliament of Great Britain have made the most arbitrary attempts to enslave America;

By claiming a right to bind the Colonies, “in all cases whatsoever;”

By laying duties at their mere will and pleasure upon all the Colonies;

By suspending the Legislature of New York ;

By rendering the American charters of no validity, having annulled the most material parts of the charter of the Massachusetts Bay ;

By divesting multitudes of the colonists of their property, without legal accusation or trial ;

By depriving whole Colonies of the bounty of Providence on their own proper coasts, in order to coërcé them by famine ;

By restricting the trade and commerce of America ;

By sending to, and continuing in America, in time of peace, an armed force without, and against the consent of the people ;

By granting impunity to a soldiery instigated to murder the Americans ;

By declaring, that the people of Massachusetts Bay are liable for offences, or pretended offences done in that Colony, to be sent to, and tried for the same in England ; or in any Colony where they cannot have the benefit of a jury of the vicinage ;

By establishing in Quebec, the Roman Catholic religion, and an arbitrary Government ; instead of the Protestant religion, and a free Government.

And, thus America saw it demonstrated, that no faith ought to be put in a royal proclamation. For I must observe to you, that in the year 1763, by such a proclamation people were invited to settle in Canada, and were assured of a legitimate representation, the benefit of the common law of England, and a free Government. It is a misfortune to the public, that this is not the only influence of the inefficiency of a royal proclamation. However, having given you one instance of a failure of royal faith in the northern extremity of this abused Continent, let it suffice, that I direct your attention to the southern extremity, respecting which, the same particulars, were in the same manner promised ; but, the deceived inhabitants of St. Augustine, are left, by their grand jury, in vain to complain and lament to the world, and yet scarcely permitted to exercise even that privilege distinguishing the miserable, that royal faith is not kept with them !

The proceedings which I have enumerated, either immediately or in their evident consequences, deeply affected all the Colonies ; ruin stared them in the face. They united their counsels, and laid their just complaints before the throne, praying a redress of grievances. But, to their astonishment, their dutiful petition for peace and safety, was answered, only by an actual commencement of war and military destruction !

In the mean time, the British troops that had been peaceably received



by the devoted inhabitants of Boston, as the troops of their sovereign bound to protect them ! fortified that town, to imprison the inhabitants, and to hold that capital against the people to whom it belonged ! And the British rulers having determined to appeal from reason and justice, to violence and arms, a select body of those troops, being in the night suddenly and privately marched from Boston—at Lexington, on the 19th day of April, 1775, they, by surprise, drew the sword of civil war, and plunged it into the breasts of the Americans ! Against this horrid injustice, the Almighty gave instant judgment. An handful of country militia badly armed, suddenly collected, and unconnectedly and irregularly brought up to repel the attack, discomfited the regular bands of the tyranny ; they retreated, and night saved them from total slaughter.

Thus forced to take up arms in our own defence, America yet again, most dutifully, petitioned the king, that he would “be pleased to direct some mode, by which the united applications of his faithful colonists to the throne, in pretence of their common councils, might be improved into a happy and permanent reconciliation ; and that in the mean time, measures might be taken for preventing the further destruction of the lives of his Majesty’s subjects ;” but, it was in vain ! The petition, on the part of millions, praying that the effusion of blood might be stayed, was not thought worthy of an answer ! The nefarious war continued. The ruins of Charlestown, Falmouth and Norfolk, towns not constructed for offence or defence, mark the humane progress of the royal arms—so the ruins of Carthage, Corinth and Numantium proclaimed to the world, that justice was expelled the Roman Senate ! On the other hand, the fortitude with which America has endured these civil and military outrages ; the union of her people, as astonishing as unprecedented, when we consider their various manners and religious tenets ; their distance from each other ; their various and clashing local interests ; their self-denial ; and their miraculous success in the prosecution of the war ; I say these things all demonstrate that the Lord of Hosts is on our side ! So it is apparent, that the Almighty Constructor of the Universe, having formed this Continent of materials to compose a State preëminent in the world, is now making use of the tyranny of the British rulers, as an instrument to fashion and arrange those materials, for the end for which, in his wisdom, he had formed them.

In this enlightened age, humanity must be particularly shocked at a recital of such violences ; and it is scarce to be believed, that the British tyranny could entertain an idea of proceeding against America, by a train of more dishonorable machinations. But, nothing less than absolute proof, has convinced us, that in the carrying on the conspiracy

against the rights of humanity, the tyranny is capable of attempting to perpetrate whatever is infamous.

For the little purpose of disarming the imprisoned inhabitants of Boston, the King's General, Gage, in the face of day, violated the public faith, by himself plighted; and in concert with other Governors, and with John Stuart, he made every attempt to instigate the savage nations to war upon the Southern Colonies, indiscriminately to massacre man, woman and child. The Governors in general have demonstrated that truth is not in them; they have enveigled negroes from, and have armed them against their masters; they have armed brother against brother, son against father! Oh, Almighty Director of the Universe! what confidence can be put in a Government, ruling by such engines, and upon such principles of unnatural destruction!—a Government, that on the 21st day of December last, made a law, *ex post facto*, to justify what had been done, not only without law, but in its nature unjust?—a law to make prize of all vessels trading in, to, or from the United Colonies—a law to make slaves of the crews of such vessels, and to compel them to bear arms against their conscience, their fathers, their bleeding country! The world, so old as it is, heretofore had never heard of so atrocious a procedure; it has no parallel in the registers of tyranny. But to proceed.

The king's judges in this country refused to administer justice; and the late Governor Lord William Campbell, acting as the King's representative for him and on his behalf, having endeavored to subvert the Constitution of this country, by breaking the original contract between king and people, attacking the people by force of arms; having violated the fundamental laws; having carried off the great seal, and having withdrawn himself out of this Colony, he abdicated the Government.

Oppressed by such a variety of enormous injuries, continental and local, civil and military; and by divers other arbitrary and illegal courses; all done and perpetrated by the assent, command, or sufferance of the king of Great Britain; the representatives of South Carolina in Congress assembled, found themselves under an unavoidable necessity of establishing a form of Government, with powers legislative, executive and judicial, for the good of the people; the origin and great end of all just government. For this only end, the House of Brunswick was called to rule over us. Oh! agonizing reflection! that house ruled us with swords, fire and bayonets! The British Government operated only to our destruction. Nature cried aloud—self-preservation is the great law—we have but obeyed.

If I turn my thoughts to recollect in history, a change of govern-

ment upon more cogent reasons; I say, I know of no change upon principles so provoking—compelling—justifiable. And in these respects, even the famous Revolution in England, in the year 1688, is much inferior. However, we need no better authority than that illustrious precedent; and I will, therefore, compare the causes of, and the law upon the two events.

On the 7th of February, 1688, the Lords and Commons of England in Convention, completed the following resolution.

*“Resolved, That King James the Second having endeavored to subvert the Constitution of the Kingdom, by breaking the original contract between king and people; and, by the advice of Jesuits and other wicked persons, having violated the fundamental laws; and having withdrawn himself out of this Kingdom, has abdicated the Government, and that the throne is thereby vacant.”*

That famous resolution, deprived James of his crown, and became the foundation on which the throne of the present king of Great Britain is built—it also supports the edifice of Government which we have erected.

In that resolve, there are but three facts stated to have been done by James. I will point them out, and examine, whether those facts will apply to the present King of Great Britain, with regard to the operations of Government, by him or his representative, immediately or by consequence affecting this Colony.

The first fact, is the having endeavored to subvert the Constitution of the Kingdom, by breaking the original contract.

The violation of the fundamental laws is the second fact; and in support of these two charges, the Lords spiritual, and temporal, and commons, assembled at Westminster on the 12th day of February, 1688, declared that James was guilty;

“By assuming and exercising a power of dispensing with, and suspending of laws, and the execution of laws, without consent of Parliament;

“By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power;

“By issuing and causing to be executed a commission, under the great seal, for erecting a court, called, The Court of Commissioners for ecclesiastical causes;

“By levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by Parliament;

“By raising and keeping a standing army within this Kingdom in

time of peace, without consent of Parliament; and quartering soldiers contrary to law;

“By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law;

“By violating the freedom of election of members to serve in Parliament;

“By prosecutions in the Court of King’s Bench, for matters and causes cognizable only in Parliament; and by divers other arbitrary and illegal courses.”

This declaration, thus containing two points of criminality—breach of the original contract, and violation of fundamental laws—I am to distinguish one from the other.

In the first place, then, it is laid down in the best law authorities, that protection and subjection are reciprocal; and that these reciprocal duties form the original contract between king and people. It therefore follows, that the original contract was broken by James’s conduct as above stated, which amounted to a not affording due protection to his people. And, it is as clear, that he violated the fundamental laws, by the suspending of laws, and the execution of laws; by levying money; by violating the freedom of election of members to serve in Parliament; by keeping a standing army in time of peace; and by quartering soldiers, contrary to law, and without consent of Parliament; which is as much as to say, that he did those things without consent of the Legislative Assembly, chosen by the personal election of that people, over whom such doings were exercised.

These points, reasonings, and conclusions, being settled in, deduced from, and established upon parliamentary proceedings, and the best law authorities, must ever remain unshaken. I am now to undertake the disagreeable task of examining, whether they will apply to the violences which have lighted up, and now feed the flames of civil war in America.

James the Second suspended the operation of laws. George the Third caused the charter of the Massachusetts Bay to be in effect annihilated; he suspended the operation of the law which formed a Legislature in New York, vesting it with adequate powers; and thereby, he caused the very ability of making laws in that Colony to be suspended.

King James levied money without the consent of the representatives of the people called upon to pay it. King George has levied money upon America, not only without, but expressly against the consent of the representatives of the people in America.

King James violated the freedom of election of members to serve in Parliament. King George, by his representative Lord William Campbell, acting for him and on his behalf, broke through a fundamental law of this country, for the certain holding of General Assemblies; and thereby, as far as in him lay, not only violated, but annihilated the very ability of holding a General Assembly.

King James in time of peace kept a standing army in England, without consent of the representatives of the people among whom that army was kept. King George hath in time of peace, invaded this Continent with a large standing army without the consent, and he hath kept it within this Continent, expressly against the consent of the representatives of the people, among whom that army is posted.

All which doings by King George the Third respecting America, are as much contrary to our interests and welfare, as much against law, and tend as much, at least, to subvert and extirpate the liberties of this Colony, and of America, as the similar proceedings by James the Second operated respecting the people of England. For the same principle of law touching the premises, equally applies to the people of England in the one case, and to the people of America in the other. And this is the great principle. Certain acts done, over, and affecting a people, against and without their consent, expressed by themselves, or by representatives of their own election. Upon this only principle was grounded the complaints of the people of England; upon the same is grounded the complaints of the people of America. And hence it clearly follows, that if James the Second violated the fundamental laws of England, George the Third, hath also violated the fundamental laws of America.

Again, King James broke the original contract, by not affording due protection to his subjects, although he was not charged with having seized their towns, and with having held them against the people; or with having laid them in ruins by his arms; or with having seized their vessels; or with having pursued the people with fire and sword; or with having declared them rebels, for resisting his arms levelled to destroy their lives, liberties and properties; but George the Third, hath done all those things against America, and it is, therefore, undeniable, that he hath not afforded due protection to the people. Wherefore, if James the Second broke the original contract, it is undeniable that George the Third has also broken the original contract between king and people; and that he made use of the most violent measures by which it could be done—violences, of which James was guiltless—measures, carrying conflagration, massacre and open war amidst a



people, whose subjection to the King of Great Britain, the law holds to be due, only as a return for protection. And so tenacious and clear is the law upon this very principle, that it is laid down, subjection is not due even to a king *de jure* or of right, unless he be also king *de facto*, or in possession of the executive powers dispensing protection.

Again, The third fact charged against James, is, that he withdrew himself out of the Kingdom; and we know that the people of this country have declared, that Lord William Campbell, the King of Great Britain's representative, "having used his utmost efforts to destroy the lives, liberties, and properties of the good people here, whom, by the duty of his station, he was bound to protect, withdrew himself out of the Colony." Hence it will appear, that George the Third hath withdrawn himself out of this Colony, provided it be established, that exactly the same natural consequence resulted from the withdrawing, in each case respectively, King James personally out of England, and King George out of Carolina, by the agency of his substitute and representative Lord William Campbell. By King James's withdrawing, the executive magistrate was gone, thereby, in the eye of the law, the executive magistrate was dead, and of consequence, royal government actually ceased in England. So, by King George's representatives withdrawing, the executive magistrate was gone, the death in law became apparent, and of consequence, royal government actually ceased in this Colony. Lord William withdrew as the King's representative, carrying off the great seal and royal instructions to governors, and acting for and on the part of his principal, by every construction of law, that conduct became the conduct of his principal; and thus, James the Second withdrew out of England; and George the Third withdrew out of South Carolina; and by such a conduct respectively, the people in each country were exactly in the same degree injured.

These three facts against King James being thus stated and compared with similar proceedings by King George, we are now to ascertain the result of the injuries done by the first, and the law upon that point; which, being ascertained, must naturally constitute the judgement in law, upon the result of the similar injuries done by the last; and I am happy that I can give you the best authority upon this important point.

Treating upon this great precedent in constitutional law, the learned Judge Blackstone declares, that the result of the facts "amounted to an abdication of the Government, which abdication did not affect only the person of the King himself, but also, all his heirs; and rendered the Throne absolutely and completely vacant." Thus it clearly appears, that the Government was not abdicated, and the Throne vacated by the

resolution of the Lords and Commons ; but, that the resolution was only declaratory of the law of nature and reason, upon the result of the injuries proceeding from the three combined facts of mal-administration. And thus, as I have on the foot of the best authorities made it evident, that George the Third, King of Great Britain, has endeavored to subvert the Constitution of this country, by breaking the original contract between King and People ; by the advice of wicked persons has violated the fundamental laws, and has withdrawn himself by withdrawing the constitutional benefits of the Kingly office, and his protection out of this country. From such a result of injuries, from such a conjuncture of circumstances, the law of the land authorizes me to declare, and it is my duty boldly to declare the law, that George the Third, King of Great Britain, has abdicated the Government, and that the Throne is thereby vacant ; that is, he has no authority over us, and we owe no obedience to him. The British Ministers, already have presented a charge of mine to the notice of the Lords and Commons in Parliament ; and I am nothing loath that they take equal resentment against this charge. For, supported by the fundamental laws of the Constitution, and engaged as I am in the cause of virtue—I fear no consequences from their machinations.

Thus having stated the principal causes of our last revolution, it is as clear as the sun in Meridian, that George the Third has injured the Americans, at least as grievously as James the Second injured the people of England ; but that James did not oppress these in so criminal a manner as George has oppressed the Americans. Having also stated the law on the case, I am naturally led to point out to you, some of the great benefits resulting from that revolution.

In one word, then, you have a form of government in every respect preferable to the mode under the British authority ; and this will most clearly appear by contrasting the two forms of Government.

Under the British authority, Governors were sent over to us, who were utterly unacquainted with our local interests, the genius of the people, and our laws ; generally, they were but too much disposed to obey the mandates of an arbitrary Minister ; and if the Governor behaved ill, we could not by any peaceable means procure redress. But, under our present happy Constitution, our executive Magistrate arises according to the spirit and letter of Holy Writ—"their Governors shall proceed from the midst of them." Thus, the people have an opportunity of choosing a man intimately acquainted with their true interests, their genius, and their laws ; a man perfectly disposed to defend them against arbitrary Ministers ; and to promote the happiness of that

people from among whom he was elevated, and by whom, without the least difficulty, he may be removed and blended in the common mass.

Again, under the British authority, it was in effect declared, that we had no property; nay, that we could not possess any, and that we had not any of the rights of humanity; for men who knew us not, men who gained in proportion as we lost, arrogated to themselves a right, to bind us in all cases whatsoever! But, our Constitution is calculated to free us from foreign bondage; to secure to us our property; to maintain to us the rights of humanity; and to defend us and our posterity, against British authority, aiming to reduce us to the most abject slavery!

Again, the British authority declared, that we should not erect Slitting Mills; and, to this unjust law we implicitly and respectfully submitted so long, as with safety to our lives, we could yield obedience to such authority; but a resolution of Congress now grants a premium to encourage the construction of such mills. The British authority discouraged our attempting to manufacture for our own consumption; but, the new Constitution, by authorizing the disbursement of large sums of money by way of loan, or premium, encourages the making of iron, bar-steel, nail-rods, gun-locks, gun-barrels, sulphur, nitre, gunpowder, lead, woollens, cottons, linens, paper and salt.

Upon the whole, it has been the policy of the British authority, to oblige us to supply our wants at their market, which is the dearest in the known world; and to cramp and confine our trade so as to be subservient to their commerce, our real interest being ever out of the question. On the other hand, the new Constitution is wisely adapted to enable us to trade with foreign nations, and thereby, to supply our wants at the cheapest markets in the universe; to extend our trade infinitely beyond what it has ever been known; to encourage manufacturers among us; and it is peculiarly formed to promote the happiness of the people, from among whom, by virtue and merit, the poorest man may arrive at the highest dignity. Oh Carolinians! happy would you be under this new Constitution, if you knew your happy State.

Possessed of a Constitution of Government, founded upon so generous, equal and natural a principle—a Government expressly calculated to make the people rich, powerful, virtuous and happy; who can wish to change it, to return under a royal government; the vital principles of which, are the reverse in every particular! It was my duty to lay this happy Constitution before you, in its genuine light; it is your duty to understand, to instruct others, and to defend it.

I might here with propriety quit this truly important subject, but my anxiety for the public weal, compels me yet to detain your attention,

while I make an observation or two, upon one particular part of the Constitution.

When all the various attempts to enslave America, by fraud, under guise of law ; by military threats ; by famine ; massacre ; breach of public faith, and open war ; I say, when these things are considered on the one hand ; and on the other, the Constitution, expressing that some mode of Government should be established, “until an accommodation of the unhappy differences between Great Britain and America, can be obtained, an event which though traduced and treated as rebels, we still ardently desire :” I say when these two points are contrasted, can we avoid revering the magnanimity of that great Council of the State, who after such injuries, could entertain such a principle ! But, the virtuous are ever generous ; we do not wish revenge ; we earnestly wish an accommodation of our unhappy disputes with Great Britain ; for, we prefer peace to war. Nay, there may be even such an accommodation, as excluding every idea of revenue by taxation or duty, or of Legislation, by Act of Parliament, may vest the King of Great Britain with such a limited dominion over us, as may tend, *bona fide*, to promote our true commercial interests, and to secure our freedom and safety—the only just ends of any dominion. But, while I declare thus much on the one side, on the other, it is my duty also to declare, that in my opinion, our true commercial interests cannot be provided for, but by such a material alteration of the British Acts of Navigation, as, according to the resolve of the Honorable the Continental Congress, will “secure the commercial advantages of the whole Empire to the mother country, and the commercial benefits of its respective members.” And, that our liberties and safety cannot be depended upon, if the King of Great Britain should be allowed to hold our forts and cannon, or to have authority over a single regiment in America, or a single ship of war in our ports. For if he holds our forts, he may turn them against us, as he did Boston against her proprietors ; if he acquires our cannon, he will effectually disarm the Colony ; if he has a command of troops among us, even if we raise and pay them, shackles are fixed upon us ; witness Ireland and her national army. The most express Act of Parliament cannot give us security, for Acts of Parliament are as cheaply repealed as made. Royal proclamations are not to be depended upon ; witness the disappointments of the inhabitants of Quebec and St. Augustine. Even a change of ministry will not avail us, because notwithstanding the rapid succession of ministers for which the British Court has been famous during the present reign, yet the same ruinous policy ever continued to prevail against America. In short I think it my duty

to declare in the awful seat of Justice and before Almighty God, that in my opinion, the Americans can have no safety but by the Divine favor, their own virtue, and their being so prudent, as, not to leave it in the power of the British rulers to injure them. Indeed the ruinous and deadly injuries received on our side; and the jealousies entertained, and which, in the nature of things, must daily increase against us on the other, demonstrate to a mind, in the least given to reflection upon the rise and fall of Empires, that true reconciliation never can exist between Great Britain and America—the latter being in subjection to the former. The Almighty created America to be independent of Britain; let us beware of the impiety of being backward to act as instruments in the Almighty hand, now extended to accomplish his purpose; and by the completion of which alone, America, in the nature of human affairs, can be secure against the craft and insidious designs of her enemies who think her prosperity and power already by far too great. In a word, our piety and political safety are so blended, that to refuse our labors in this divine work, is to refuse to be a great, a free, a pious and a happy people!

And now having left the important alternative, political happiness or wretchedness, under God, in a great degree in your own hands, I pray the supreme Arbiter of the affairs of men, so to direct your judgment, as that you may act agreeable to what seems to be his will, revealed in his miraculous works in behalf of America, bleeding at the altar of liberty.

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#### THE PRESENTMENTS OF THE GRAND JURY.

[Printed Circular.]

#### SOUTH CAROLINA—CHARLESTOWN DISTRICT.

At a Court of General Sessions of the Peace, Oyer and Terminer, Assize and general Gaol Delivery, begun to be holden in and for the District of Charlestown, at Charlestown in the Colony aforesaid, on Tuesday the 23rd day of April, in the year of our Lord one thousand seven hundred and seventy-six.

I. Fully sensible and thoroughly convinced, that to live in a society without laws or a proper execution of them, to restrain the licentious nature of mankind, is the greatest misery that can befall a people, and must render any body of men in such a situation, but little superior to



a herd of brutes; and being no less sensible that it was the scheme of a corrupt nefarious administration in Great Britain, to reduce the good people of this Colony to that wretched situation, from a want of officers to execute the laws, those whom they had appointed having refused to act in their respective stations, that through the evil effects of anarchy and confusion, the people might become an easy prey to the cruel designs of their insidious enemies; while we lament the necessity which has obliged the people to resume into their hands, those powers of government which were originally derived from themselves for the protection of those rights which God alone has given them, as essential to their happiness; we cannot but express our most unfeigned joy in the happy Constitution of the Government now established in this Colony, which promises every blessing to its inhabitants, which a people endued with virtue, and a just regard to the rights of mankind could desire. With gratitude to the Divine Ruler of human events, and with the most pleasing expectations of happiness from a Constitution so wise in its nature, and virtuous in its ends, being founded on the strictest principles of justice and humanity, and consistent with every privilege incident to the dignity of a rational being, we cannot but declare we think every opposition to its operations, or disregard to its authority, the foulest criminality a mortal can be guilty of, highly offensive in the eyes of God, and of all just men, and deserving the most exemplary punishment.

We cannot but deplore the unhappy situation of any few amongst the people of this Colony, who, through an ignorance of their true interests and just rights, and from a want of proper information of the real truth, may be misled by the armistice and cunning of their false and designing enemies, from a real sense of those benefits, which our present Constitution has so amply provided for; benefits which are not confined or limited to any ranks or degrees of men in particular, but generally, equally and indiscriminately extending to all, from the richest to the poorest, and which time and a little patient experience must soon evince.

Every good citizen must be happy in the consideration of the choice of those officers, appointed in the administration of our present Government, as well in the impartial mode of an appointment arising from the people themselves, and the limited duration of their power, as in their personal characters as men, justly beloved and revered by their country, and whose merits and virtues entitle them to every pre-eminence.

Filled with these sentiments, arising from mature deliberation, and

the most impartial inquiry, we must further declare, that blessings such as these we have before enumerated, are too inestimable to be lost, and that nothing in nature can repay the least violation of them; and although an accommodation with the power which attempts to destroy them may be highly worthy of attention, and upon principles truly honorable, of obtaining; yet we think it a sacred duty incumbent upon every citizen to maintain and defend with his life and fortune, what is given and entrusted to him by the hand of Providence, not for his own good only, but for the lasting happiness of posterity—a trust which no law can ever annul, which is the grand principle of existence, and the source of every social virtue.

II. We present as a grievance intolerable to the spirit of a people born and nurtured in the arms of freedom, and (though ever submissive to the just mandates of legal authority), holding every oppression as detestable, the unjust, cruel and diabolical acts of the British Parliament, not only declaring the good people of the United Colonies of North America rebels, for defending those invaluable rights, which no human power can lawfully divest them of, but making all murders, rapines, thefts, robberies, and other inhuman oppressions, done before the passing of those acts without authority, and which were after the passing the said acts to be done by the British forces in these Colonies, legal and warrantable, to the eternal disgrace and indelible infamy of a kingdom once renowned for her justice, honor and humanity, but now meanly descending to that wanton profligacy which even savages abhor.

III. We present as a very great grievance, the indulgence allowed to all those who are inimical to the liberties of America and the operations of the united Colonies amongst us in suffering them to reside here, and be admitted to intercourses dangerous to the peace and welfare of this Colony.

IV. We present that the public oaths directed by an act of the General Assembly, passed since the forming of our present Constitution, to be administered to those exercising public offices, trusts, and professions, are not administered to such of the clergy as are included in the same.

V. We present that the times at which the several parochial committees meet, or are appointed for their meeting, are not made public; and we do recommend that they do publish the same in the public papers, that all persons who are desirous of obtaining leave to sue for debts, may know when to apply.

VI. We present as a great grievance, more particularly at this time, the want of due attention to the roads and ferries in this Colony; many

of the roads not being sufficiently wide and worked upon agreeable to law, and the ferries in general not having boats sufficient to forward passengers upon any emergent occasion.

VII. We present as a grievance the too frequent forestalling out of the wagons coming from the back parts of the country, the many necessities of life, by which the good inhabitants of this town are obliged to pay most exorbitant prices for the same; and, with submission, would recommend a place to be appointed for the sale of bacon, flour, butter, and other such necessities brought to town in carriages, to be regulated by the market act.

VIII. We present the want of a proper person by law to oblige the sellers of blades and hay, to weigh the same at a public scale.

JONATHAN SCOTT,	<i>Foreman.</i>	[L.S.]
GEORGE COOKE,		[L.S.]
THOMAS JONES,		[L.S.]
JOHN LIGHTWOOD,		[L.S.]
PETER LEGER,		[L.S.]
PHILIP MEYER,		[L.S.]
ISAAC MAZYCK,		[L.S.]
JOHN OWEN,		[L.S.]
JOHN SMYTH,		[L.S.]
JOSEPH JENKINS,		[L.S.]
JOSEPH COX,		[L.S.]
DANIEL LESESNE,		[L.S.]
LEWIS DUTARQUE,		[L.S.]
JOHN SINGELTARY.		[L.S.]











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American Revolution

